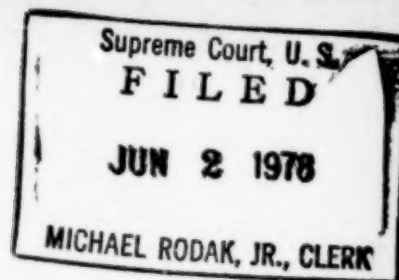


IN THE  
SUPREME COURT  
OF THE  
UNITED STATES



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OCTOBER TERM, 1977

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No. 77-388

STATE OF WASHINGTON; COUNTY OF YAKIMA  
DIXY LEE RAY as Governor of the State of  
Washington and individually; SLADE GORTON,  
as Attorney General of the State of Washington and  
individually; LES CONRAD, GRAHAM TOLLEFSON  
and CHARLES RICH as County Commissioners and  
individually,

Appellants.

vs.

CONFEDERATED TRIBES AND BANDS OF THE  
YAKIMA INDIAN NATION,

Appellee.

---

ON APPEAL FROM THE UNITED STATES  
COURT OF APPEALS FOR THE  
NINTH CIRCUIT

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APPENDICES TO APPELLEE'S BRIEF

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APPENDIX A

TREATY WITH THE YAKIMA, 1855

Articles of agreement and convention made and concluded at the treatyground, Camp Stevens, Walla-Walla Valley, this ninth day of June, in the year one thousand eight hundred and fifty-five, by and between Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, on the part of the United States, and the undersigned head chiefs, chiefs, head-men, and delegates of the Yakama, Palouse, Piquouse, Wenatshapam, Klikatat, Klinquit, Kow-was-say-ee, Li-ay-was, Skin-pah, Wish-ham, Shyiks, Ochechotes, Kah-milt-pah, and Se-ap-cat, confederated tribes and band of Indians, occupying lands hereinafter bounded and described and lying in Washington Territory, who for the purposes of this treaty are to be considered as one nation, under the name of "Yakama," with Kamaiakun as its head chief, on behalf of and acting for said tribes and bands, and being duly authorized thereto by them.

\* \* \* \*

ARTICLE 2. There is, however, reserved, from the lands above ceded for the use and occupation of the aforesaid confederated tribes and bands of Indians, the tract of land included within the following boundaries to wit:

[DESCRIPTION]

All which tract shall be set apart and, so far as necessary, surveyed and marked out, for the exclusive use and benefit of said confederated tribes and bands of Indians, as an Indian reservation; nor shall any white man, excepting those in the employment of the Indian Department, be permitted to reside upon the said reservation without permission of the tribes and and the superintendent and agent. And the said confederated tribes and bands agree to remove to, and settle upon, the same, within one year after the ratification of this treaty. In the mean time it shall be lawful for them to reside upon any

ground not in the actual claim and occupation of citizens of the United States; and upon any ground claimed or occupied, if with the permission of the owner of claimant.

\* \* \* \*

**ARTICLE 8.** The aforesaid confederated tribes and bands of Indians acknowledge their dependence upon the Government of the United States, and promise to be friendly with all citizens thereof, and pledge themselves to commit no depredations upon the property of such citizens.

And should any one or more of them violate this pledge, and the fact be satisfactorily proved before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the Government out of the annuities.

Nor will they make war upon any other tribe, except in self-defense, but will submit all matter of difference between them and other Indians to the Government of the United States or its agent for decision, and abide thereby. And if any of the said confederated tribes and bands of Indians agree not to shelter or conceal offenders against the laws of the United States, but to deliver them up to the authorities for trial.

## APPENDIX B

A true copy of the Record of the official proceedings at the Council in the Walla Walla Valley, held jointly by Isaac I. Stevens, Gov. & Supt. W.T., and Joel Palmer, Supt. Indian Affairs O.T., on the part of the United States with the Tribes of Indians named in the Treaties made at that Council. June 9th and 11th, 1855.



[fol. 97] Proceedings at Indian Treaties in Washington Territory East of the Cascade Mountains.

Programme of operations at the Walla Walla Council decided upon by the Commissioners Gov. Isaac I. Stevens and Superintendent Joel Palmer, May 22nd A.D. 1855.

Present—Indians common to both Territories, Oregon and Washington, viz. Nes Perses, Cayuse and Walla Wallas. Tribes in Oregon from the western boundary of the Snake Tribe to the Cascades of the Columbia. Tribes in Washington from the Bitter Root to the Cascades, except the Spokanes, Coeur d' alenes, Colvilles and Pend D' Oreilles.

Gov. Stevens and Gen'l Palmer Superintendent of Washington and Oregon to act jointly for the Nes Perses, Walla Wallas and Cayuse common to the two Territories. To agree upon the terms of treaty. To sign jointly. Each acting for the Indians the above tribes in his own jurisdiction.

Gen'l Palmer sole commissioner for the Oregon Indians proper present at the council.

Gov. Stevens, sole commissioner for the Washington Territory Indians proper present at the Council.

Gov. Stevens to Preside at the Council

The proceedings to be carefully recorded for the Tribes common to the two Territories separately by the Secty. of Gov. Stevens and the Secty. of Gen'l Palmer.

The two records to be carefully compared and certified jointly by the commissioners.

Each commissioner to appoint an agent and commissary. Gov. Stevens for the Washington Nes Perses, Cayuses and Walla Wallas. Gen'l Palmer for the Oregon Nes Perses, Cayuses and Walla Wallas. Goods and provisions to be distributed to the Nes Perses, Cayuses and Walla Wallas, by the Superintendents in proportion to the Indians under the jurisdiction of each.

6-9829

# Officers of the Joint Treaty

Gov. Stevens, Gen'l Palmer, Commissioners.  
James Doty, Sect'y for Washington Territory.  
Wm. McCoy, Sect'y for Oregon Territory.  
H.A. Crosbie, Commissary for Washington Territory.  
C. Olney, Commissary for Oregon Territory.  
Agent R. F. Lansdale, in charge of Washington Nes Perses, Cayuses and Walla Wallas.  
Agent R.R. Thompson, in charge of Oregon Nes Perses, Cayuses and Walla Wallas.  
Wm. Craig, Interpreter, Washington Territory.  
N. Raymond, Interpreter, Washington Territory.  
—Leafoher, Interpreter, Oregon Territory.  
John Flette, Interpreter, Oregon Territory.

[fol. 98] Census of the Nes Perses, Cayuses and Walla Wallas

	Washington Ter'ty	Oregon Ter'ty	Total
Nes Perses	1400	400	1800
Cayuses	150	350	500
Walla Wallas including Uttilas	600	200	800
	<hr/> 2150	<hr/> 950	<hr/> 3100

This census to be revised on the Indians reaching the ground.

A public table for the prominent chiefs under charge of agents Lansdale, Thompson and Bolon.

Gov. Stevens details Palmer and F. Genitto.

Sup't Palmer also details one or two men.

Coll. Crosbie to take personal charge of issues for public table, of issues of provisions to Indian tribes, and goods distributed. Provisions and goods to be turned over to the agents, and issued under their direction.

May 28th, Monday.

Agent Bolon with an interpreter went to meet the Yakimas who are supposed to be near at hand, and returned

at 10 a.m. having seen Cam-i-ah-kum and also the Cheif Pee-o-pee-mox-a-mox.

The latter had said to Mr. Bolon, "that someone had informed him that the chiefs and other in the Commissioners camp had said that he was unfriendly to the whites. That his heart was with the Cayuses whose hearts were bad. He was very sorry to hear this. He had always been friendly to the whites and was so now. He should go today to see the commissioners, and ask why such things had been said of him."

The Commissioners and Sec'ty Doty visited the Lawyer at his lodge, as he was unable to walk without great difficulty. An old gun-shot wound received at the battle of Pierres Hole, having broken open again causing much pain.

The Lawyer explained a map of the Nes Perses country which he had drawn for Gov. Stevens. Several Chiefs came in and suddenly U-u-sune-mal-e-can, (one of the chiefs) said:

"The Cayuses wish us to go to their camp and hold a council with them and Pee-o-pee-mox-a-mox.

What have we to say to the Cayuses or Pee-pee-mox-a-mox? What are their hearts to us? Did we propose to hold a council with them or ask them for advise? Our hearts are Nes Perses hearts and we know them. We came here to hold a great council with the Great Cheif of the Americans, and we know the straight forward truth to pursue and are alone responsible for our actions. Three Cayuses came last night and spoke to Jim and two other head men urging them to come to a council at the Cayuse camp, to meet Pee-o-pee-mox-a-mox and Cam-i-ah-kum. He did not wish to go; they insisted; then I said to them: You had best say no more. His mind is made up.

What do you come here for and ask these chiefs to come to a council when to the Head Cheif and the rest you say nothing? Have we not told your messenger, yesterday, that our hearts are not Cayuse hearts? Go home! Our chiefs will not go. We have our own people to take care of they give us enought trouble, and we will not have the Cayuse troubles on our hands. This is my heart."

[fol. 99] Lawyer opened a book containing in their own language the advise left to them by their Great Cheif Ellis, and read as follows: Ellis said,

"Whenever the Great Cheif of the Americans shall come into your country to give you laws, accept them! The Walla Wallas heart is a Walla Wallas; a Cayuse heart is a Cayuse; so is a Yakamas heart a Yakamas; a Nes Perses heart is a Nes Perses heart; but they have all received the white law. They are all going straight, yes! While the Nes Perses are going straight, why should they turn aside to follow others who are going straight? Ellis, advice is to accept the white law. I have read it to you to show my heart."

The Commissioners were glad to hear what had been spoken. They knew the Nes Perses were always friendly to the whites. Lewis & Clark had said this and all white men. The Commissioners were friendly to all Indians, and when they come together would tell them so, and show it by what they propose to do. They had no more to say now because when they spoke they wanted all the Indians to hear. The Commissioners then returned to camp.

At 11 a.m. Pee-o-pee-mox-a-mox, Cam-i-ah-kum, Owhi, Skloom and a number of Walla Wallas and Yakamas rode into camp, and having shaken hands in the most friendly manner, with the Commissioners and agents, seated themselves under the arbor in front of the Commissioners tent and indulged in a smoke; using their own tobacco exclusively although other was offered them.

Gov. Stevens then said to them: "My friends, we are gald to see you. We are glad to see all the Indians around here, and what we say to one is the same to all. You will see that what we say to one tribe is spoken to all the tribes. When you are ready to come into council, when the council is opened, we will speak to you of the important business for which you have been called together. We have near to our hearts the prosperity of the Indians and the propositions to be made to you will prove this.

We shall endeavor to clearly explain the wishes of the Government, in order that you may fully understand them; as it is our desire you should.



If it is convenient to you we will suggest tomorrow at noon as the time for opening the council. We look upon you as friends, shall so speak to you; as one friend speaks to another, and wish you to reply as such.

Gen'l Palmer said: I am equally pleased with Gov. Stevens to see you. Many years ago I met you and considered you friends, and I look upon you as the same now, and hope our meeting will prove this to be true.

We come here to promote peace and happiness among you, leaving behind all that was bad, bringing only that which was good; thus we have but one heart. When you understand this then there will be no difficulty, but we will all work together for the best.

As all the chiefs are not here we will not speak of important business, but wait till all are present.

I wish to know if the time fixed by Gov. Stevens for opening the council is good, and if you will meet.

[fol. 100] Pee-o-pee-mox-a-mox said: I want more than one interpreter at the Council, that we may know they translate truly.

Gen'l Palmer said: You may have any one who can comprehend what he is told to interpret, and who will suit you. We wish you to understand clearly what is said. Will you designate a interpreter whom you have confidence in?

The Chief said: I do not wish my boys running around the camps of the whites as these young men do. (alluding to some young Nes Perses who were lounging about our camp feeling quite at home as they knew themselves to be among friends.)

Pee-o-pee-mox-a-mox said: We have rode over today merely to see the Commissioners.

Gov. Stevens said: Come and see us as our friends and guests. Cam-i-ah-kum knows that our people have been in his country, and eaten of his food. So of Pee-o-pee-mox-a-mox and the Nes Perses. We always give food to our friends when they visit us, you have been invited to come and you are welcome to whatever we have.

We have a public table at which we are glad to have all our friends sit, and share that which hospitality induces us to offer.

We have provided plenty of food, and have already given beef, corn, and potatoes to those on the ground. They were invited and we wish them to have plenty to eat.

I was glad to hear that my friend Skloom had been so kind to Mr. Tinkham one of my party who crossed the mountains. He was in want and Skloom gave him provisions and clothing.

The Chiefs then took their leave.

[fol101] Proceedings at the Council Held at Camp Stevens, Walla Walla Valley, on the 29th day of May 1855.

Gov. Stevens, Superintendent of Indian Affairs in Washington Territory, and Gen'l Joel Palmer, Superintendent of Indian affairs in Oregon Territory, with the following named chiefs, delegates and head men present at the Council, and representing their respective tribes and bands of Indians as below stated.

For the Nes Perses: Lawyer, Joseph, U-u-sune-mal-e-can, James, Timothy, Red Wolfe, Spotted Eagle, Three Feathers, Jason, Jacobs, Cow-pook, Is-coh-tim, Kay-kay-map, Tu-per-lan-its-a-kum, Billy, Toh-ton-mole-wot, The Snipe, Bold Eagle, and others.

For the Cayuses: The Young Chief, Steachus, Camaspilo, and others.

For the Walla Wallas: Pee-o-pee-mox-a-mox.

For the Yakamas: Cam-i-ah-kun, Ow-hi, Skloom, Kow-was-say-ic, Si-ry-was, Skin-pah.

For the Palouses: Kah-lat-toose.

For the Spokanes: Gerry.

For the Piquose and Metows.

For the Oak-kin-a-kanes.

On May 29th, at 2:02 p.m. the Council opened. Present; the commissioners, officers of Treaties, the Indian agents, and some fifty citizens.

Besides the Indian chiefs already mentioned and some others, about 1800 Indians, Nes Perses, Cayuses, Walla

Wallas, Yakamas, Dalles Indians and others on the Columbia above were assembled.

After the pipe had been smoked sometime, Gov. Stevens said:

"My Children: Before entering upon the council we must have good and faithful interpreters. We want men who will state truly and exactly all that is said; we want men that you know to be good men: men that you can trust; we want no others.

We propose as interpreters for the Nes Perses, William Craig, this man, (pointing to Mr. Craig) who has longer lived with you, also McDauphin and Delaware Jim.

For the Cayuses Mr. Pembrom and Mr. Olney.

For The Walla Wallas and Yakamas, John Whiteford.

Thuse for each language we propose to have two and three interpreters. Now I ask you, do you want others added to the number? Are you satisfied with these men? If you have any others you wish to propose, speak out, for we wish you to be satisfied.

Stachuse, a Cayuse said: We know of no others whom we would wish. There may be some words hard for them to make us understand, but we think the arrangement good as it is.

Gov. Stevens said: We know of no others whom we would say to you, stop us and we will repeat it.

[fol. 102] Each interpreter will now be sworn to be a faithful interpreter.

Gov. Stevens then administered to the interpreters the following oath.

You solemnly swear in the presence of Almighty God, that you will well and truly interpret to the best of your ability what may be said by the Commissioners for the United States holding this council on the one part; and the chiefs and head men of the tribes and bands of Indians here present on the other part. So help you God.

Gov. Stevens then said: My children, the interpreters have each taken a solemn oath in the presence of Almighty God to be true and faithful interpreters. I will now read the form of the oath. (and it was read as above.)

Gov. Stevens continued: My children; I have much to say to you; my brother here Gen'l Palmer will have much to say

to you. We want you to listen and be comfortable at the same time. We want clear skies, we want the ground to be dry. We will meet tomorrow with a clear sun and the day before us. Then we will open the whole subject, and will see if our hearts and your hearts will not come together.

We have met as friends today, tomorrow we will meet as friends and then enter upon our business. I therefore adjourn the council till 10 o'clock a.m. tomorrow. The weather is rainy and bad, tomorrow we hope the skies will be clear and you will all be able to be present. Should it rain tomorrow we will meet when it clears up.

One word on another point, you have come here by our invitation and are our guest. I have entered, and so has my friend here Gen'l Palmer, many an Indian lodge, and they always gave us to eat and drink. We therefore have brought provisions which we offer to you as a friend to a guest; and we therefore trust you will all feel free to receive the provisions we have brought to furnish you with as our guests.

I propose to the Walla Wallas, Cayuses and Yakamas that you take two oxen, drive to your camp and slaughter for yourselves.

Young Cheif replied: We have plenty of cattle, they are close to our camp. We have already killed three and have plenty of provisions.

Gov. Stevens said: We are much pleased to hear you are so well provided for, but we have plenty of provisions and you are welcome to them.

Young Cheif replied: We have plenty at present. We do not throw away your offer. If we want any we will come to you.

Gen'l Palmer (to the interpreter): Say to the Yakamas: You have come a long ways. You may not have provisions. If you want any we have them and you are welcome.

Young Chief said: Cam-iah-kun is supplied at our camp.

Gov. Stevens said: There will be no more said today unless you wish to say something.

Young Chief said: We have nothing to say today; the weather is bad, rainy. We do not throw away your offer; when we are done talking you will know our hearts. We will talk slow not all in one day. No snow falls at this season of



the year. There will be time for you to go anywhere you wish.

[fol. 103] The council then broke up and nearly all the Indians returned to their camps.

Pee-o-pee-mox-a-mox and Cam-iah-kun dined with the commissioners and remained in their tent sometime smoking in a friendly manner.

Timothy, a Nes Perses chief acted as crier for his nation and he will also record in their language the full proceedings each day of the council and this will be preserved among the archives of the nation and handed down to future generations.

May 30th Wednesday.

At 1 o'clock P.M. the Indians began to assemble and at 1½ P.M. the Council opened. Present same as yeasterday.

Gen'l Palmer said, My friends, I am glad to see so many of you here today: Yesterday the council was organized and Interpreters sworn to repeat to you what we say. Today my brother in Council will speak to you the great desire that our Chief has to promote your good.

I know that our Great Chief has a good heart. I know that my brother Gov. Stevens has a good heart, that they both desire to do and act for your good. I hope then you have come here with good hearts to listen to what he has to say. We both come here to talk to you as men and not as boys; we throw behind us everything that is bad, and come to you with one heart: we hope you have done the same: You are men able to judge between good and bad: and when my brother speaks to you, you can judge whether it be good or bad.

For the present I am done, and my brother will speak to you.

Gov. Stevens said. My Children: The sky is clear, the ground is dry, my heart is glad to day. Our hearts are glad. You are men: You have families: You have the means to live.

You have all of you been friends to me and mine; Two years since I came among you: Two years only have I know you; I came from the great waters beyond the mountains, across the mountains, and you have all been friends to me.

The Nes Perses. Lawyer fed my men driven out of the mountains by snow: The Cayuses and Walla Wallas received my men kindly; Pee-o-pee-mox-a-mox saw us in his country and gave us guides: the young cheif and his people had nothing but smiles and kindness for us; and yesterday Cam-iah-kun showed me a paper from Capt. McClelland saying that he furnished guides and welcomed them on their way.

So to the North and East; there sits a Flat Head and there a Coeur D'lane on the route across the Bitter Root; there are Poulouses and Colvilles and Spokanes away to the North; there are also men from both sides the river, from far down; all were kind, and I brought a message to all, from a tribe beyond the mountains: I have been among the Black-feet and have brought word that they would meet you in Council, and that war should cease.

I met you in the trail, I saw your people in the Buffalo country: I met your people on the road to the Buffalo country: My heart said peace in the Buffalo country, peace here; peace is here now: peace between yourselves, peace between us. So for your kindness to me I am your friend, and I came from the Great Father to be your friend.

The interpreters yeasterday took a solemn oath to speak truly. I took a solemn oath and my brother took a solemn oath to be your firends.

[fol. 104] The Great Father has learned much of you. He first learned of you from Lewis & Clark; Pee-o-pee-mox-a-mox remembers Lewis & Clark, the Lawyer does: they came through your country finding friends and meeting no enemies.

I went back to the Great Father last year to say that you had been good, you had been kind, he must do something for you. My brother wrote to the Great Father in like manner.

He told the Great Father, these men have farms; the Great Father said I want them to have more and larger farms; I told him you had cattle and horses; he answered that he wanted your horses and cattle to increase: I told him some of your grown people could read and write: He answered, I want all the grown people and all the children to learn to read and write; I told him that some of you were handy at trades; he answered, that he desired to give all who choose the means to learn these trades;

Why did the Great Father answer in this way? Why did he send my brother and myself here this day, to say this to you? Because you are his children; his red children are as dear to him as his white children; his red children are men; they have hearts, they have sense; they feel kindness, they resent injury: we want kindness on the one side and kindness on the other: We want no injuries to resent.

The Great Father has been for many years caring for his red children across the mountains; there (pointing East) many treaties have been made. Many councils have been held; and there it had been found that with farms and with schools and with shops and with laws the red man could be protected.

Why do I say laws? What has made trouble between the white man and the red man? Did Lewis and Clark make trouble? they came from the Great Father; did I and mine make trouble? No! but the trouble had been made generally by bad white men and the Great Father knows it, hence laws.

The Great Father therefore desires to make arrangements so you can be protected from these bad white men and so they can be punished for their misdeeds; and the Great Father expects you will treat his white children as he will make a law they shall treat you. We are now in council to see if we can arrange the terms which will carry this into effect.

Let us go back to old times across the mountains and see what was there done: the red man received the white man gladly; but after a while difficulties arose; the blood of the red man was spilled and the blood of the white man; there was cold; there was hunger; there was death. But a man came, William Penn, and said I will see if my white children and my red children cannot be friends, and they were friends: Wm. Penn and the Indians came together as we now come together; they made a Treaty: there was peace; and no white man's blood and no red man's blood had been shed, and there has been peace to this day; this was in olden times.

Oh! these people said we too will make treaties; we too will live in peace. They tried various plans, a plan that worked well when there were but few whites, did not work

well when there were many. It was found that when the white man and the red man lived together on the same ground, the white man got the advantages and the red man passed away.

The Great Father's name at that time was Andrew Jackson: he said I will take the red man across a great river into a fine country where I can take care of them; they have been there twenty years; they have their government, they have their schools, they have their own laws; their Chief John Ross knows as much as my brother or myself and a great [fol. 105] deal more; he is what you call a Lawyer: he is an Indian, a Cherokee. When he goes to see the Great Father the President, he sits with him at table as you sit with us at table.

Before you met my brother and myself in council, you have your own council; and the Great Father when he acts has his council also, he has his chiefs.

When I saw the Great Father he called his Chiefs together, and had a council about you. He has two chiefs who have the care of the red men, their names are Gen'l Orr and Robert Johnson, I want you to remember them. Robert Johnson lives near John Ross; they both told me that what had been done for John Ross should be done for you, and more, as I will tell you.

As we grow older, we learn more and grow wiser; so of the Great Father and his chiefs; they did much for John Ross and his people twenty years ago; they have learned much since and know better what to do; they find one thing however the same now as then.

They gave John Ross and his people a tract of land into which no white man could go without their consent; they sent them an agent, they had schools, they had mills, they had shops, they had teachers, they had farmers, they had doctors. I repeat again no white man could go there unless the red man consented to it.

North of that tract of land the whites are going in but they cannot enter it; South of that tract of land the whites are going in but they cannot enter it; that tract of land is the Indians home; his home and the home of his children.

There are other tracts of land East of the mountains set apart for the red man's home; for there are many tribes. Those tracts the white man cannot enter without the con-



sent of the red man. On all these tracts the red man has schools and farms and mills: they have teachers and physicians and an agent.

Now listen carefully: On these tracts the land was all in common: there were one or more larger fields for the tribes but no man had his special field: the Great Father and his chiefs now think that is not good: the Great Father said, the white man has his farm, his cattle and his horses, the red man shall have his farm his cattle and his horses; the Great Father says that when on that tract of land an Indian has his field, that field should be his.

This brings us now to the question. What shall we do at this council? We want you and ourselves to agree upon tracts of land where you will live; in those tracts of land we want each man who will work to have his own land, his own horses, his own cattle, and his own home for himself and his children.

On each tract we want an agent to live who shall be your brother, and who shall protect you from bad white men. I shall speak more of this subject by and by.

On each tract we wish to have one or more schools: we want on each tract one or more blacksmiths: one or more carpenters; one or more farmers: we want you and your children to learn to make ploughs, to learn to make waggons, and everything which you need in your house. We want your women and your daughters to spin, and to weave and to make clothes. We want to do this for a certain number of years.

Then you the men will be farmers and mechanics, or you will be doctors or lawyers like white men; your women and your daughters will then teach their children, those [fol. 106] who come after them to spin, to weave, to knit, to sew, and all the work of the house and lodges, you will have your own teachers, your own farmers, blacksmiths, wheelwrights and mechanics: besides this we want on each tract a saw mill and a grist mill.

Now we want you to agree with us to such a state of things; You to have your tract with all these things; the rest to be the Great Father's for his white children.

Besides all these things, these shops, these mills and these schools which I have mentioned; we must pay you for the

land which you give to the Great Father; these schools and mills and shops, are only a portion of payment. We want besides to agree with you for a fair sum to be given for your lands, to be paid through a team of years as are your schools and your shops.

Now these payments are something you will have to think much about. Whatever is done is done with your free consent; I have more to say about these payments, about the agent, and about your doing better, as I think you will if we can agree.

I am tired of speaking; you are tired of listening. I will speak tomorrow. My brother will now say a few words to you.

Gen'l Palmer Said, I shall say but little to you today; it is not expected we can come together with one day's talk; nor do we expect you can understand with what has been said all that we want. You will not make up your mind until you hear all we have to say.

Tomorrow my brother will say something more to you; when he is through then I will speak to you. Sometimes when people have a matter to settle they commence way off; but as they understand each other they come together. With us, if we commenced way off, I hope we are a little nearer now, and by and by I hope we shall come quite together.

As we expect you are tired sitting, and as we do not wish to say too much at once, we will speak no more.

We will meet tomorrow if you like, at an earlier hour say 10 A.M. and you can come without our sending for you. If any present wish to say anything, we are ready to listen to it.

No reply was made by the Indians and the Council then adjourned as 4½ P.M.

[fol. 107] May 31st. Thursday.

The Indians assembled at 11½ A.M. and at 12 P.M. the council commenced.

Gov. Stevens Said, My children. I said to you yesterday we want you to agree to live on tracts of land, which shall be your own and your childrens; we want you to sell the land you do not need to your Great Father; we want you to

agree with us upon the payments for these lands; we want you to have schools and mills and shops and farms; we want you to have teachers and millwrights and farmers and artisans; we want your people to learn to read and write; your men and boys to be farmers or millwrights or mechanics, or to be of some profession as a lawyer or a doctor. We want your wives and daughter to learn to spin and to weave and to make clothes and all the labor of the house; this for a number of years as we may agree.

I said yesterday this would only be a part of the payment. We want also for a certain number of years to furnish you with some clothing, clothing for your men, your women and your children.

I will mention only some of the principal articles; there will be blankets and cloth for leggings, clothes made, shirts and other articles for the men and boys; there will also be blankets and shawls and calicos and shirting and other articles for the women and girls. The particular articles however will be agreed upon between yourselves each year; you may want certain articles one year, and different articles the next.

Besides clothing we would wish to furnish you with tools and implements for the shops; for the blacksmith; for the wheelwright, for the tin-smith and such other tools as you might need; we also want to provide you with tools for your farms, with ploughs and hoes and shovels and when you get further advanced with reapers and all the implements the white man has; we want in your houses plates and cups and brass and tin kettles; frying pans to cook your meat and bake ovens to bake your bread, like white people.

I have told you about the mill to grind wheat and corn, and about the mill to saw boards and lumber, and that we should employ carpenters in your service.

We want you by and by to live in houses and we shall furnish you with a mill to saw lumber, and with carpenters, and your own people by and by will become carpenters and then you will have houses; all this for a term of years. Then we hope that all you people, every family will have its farm, its cattle, its horse, and I trust, its sheep; then I said you will have your own teachers, and your own schools; you will have your own smiths, your own wheel-

wrights, your own carpenters, your own physicians and lawyers and other learned men.

I told you of John Ross. As your fathers and your friends we think this will be good for you.

In thinking over the matter we want you to bear in mind what you have seen and what you know. That venerable old man Jim recollects when he first saw a house in this country; you all of you recollect when you first saw cattle, now you count your horses and your cattle by thousands.

The horse carries you wither you wish to go, yourself, your wife, your children; and your packs, and he works in your fields; your cattle now furnish you with a portion of your food; your cows furnish you with milk and you already know how to make butter; we trust you will make butter and cheese, and that your women will all have churns. Formerly you raised no wheat, no potatoes. Now you have both grain and vegetables. Is not this a great change? A change which you all have seen? Has it not been for your good?

[fol. 108] Let us look at it now in a different way. My brother said yesterday he would have much to say today.

We do not want you to agree not to get roots and berries, and not to go off to the Buffalo; we want you to have your roots and to get your berries, and to kill your game; we want you if you wish to mount your horses and go to the Buffalo plains, and we want more; we want you to have peace there. What has disturbed you on those plains? The Blackfeet tribe of Indians who stole your horses and murdered your grown people and your children; we want that to cease forever.

The Blackfeet are not all bad people; they have some good chiefs among them and some good men; a part of them promised me two years ago not to make war upon you, and those have kept their promise; I could not see all, and those I could not see have since given trouble. But I left with them a man who spent a whole year with them; a man whom you have seen here; a man who writes at that table. He traveled all through their country, sometimes alone sometimes with two or three men; he saw them all, he talked to them about you, and they promised to meet you in council this year and make a peace with you, to murder no longer your people, to steal no longer your horses.



The Blackfeet have now begun to think, if we stop stealing horses from the Indians this side of the mountains, what will become of our bands of horses? They will pass away. Raise your own horses says Mr. Doty as do the Flat Heads, the Nes Perses, the Cayuses, the Walla Wallas, the Cocur D'lanes, the Spokanes, the Yakamas and so back to the Flat Heads again. The Blackfeet then said, the Buffalo are not as plenty as formerly, we have to cut too many old bulls.

Mr. Doty then talked about you, said you had your fields, horses and cattle, and raised your own milk, meat and vegetables; the Blackfeet then said we too would like to have farms; we would like to have cattle and milk and bread.

The Blackfeet and other tribes who live in the Buffalo country, see that the Buffalo cannot subsist there forever; they feel that unless they change their mode of life, they will soon pass away.

They desire to change their mode of life. We shall help them provided they agree not to molest you.

When you see the Blackfeet at the Council they will ask you many questions, they will want you to tell them when you first had horses and cattle, and when you first had crops. If we agree at this council they will ask you all about that; and you will tell them you have not as much game as you once had, and the time is coming when you will not have dressed skins for your clothing; you will tell them the Buffalo is passing away, and the time will come when we will not have robes for our tents and lodges; we have already changed and found it for our good, and we are determined to make another change in good season; we have made a bargain with the Great Father; we will have instead of tents of lodge skin when there are no Buffalo, house of boards and of lumber; when the elk and the deer and the buffalo pass away, then we will have clothing, every man and woman and child like the white man; we have enough now to do to get roots and game and berries for our children; but we intend then to raise enough for our women and children, when their numbers have increased, and roots and berries and game are no longer to be found.

If we can agree here, this you will be able to say to the Blackfeet, and the Blackfeet will say, we will cut old bulls no longer, we will not starve, we will not die of cold, we will

do as you have done, we will be friends, we will chase the Buffalo together on the plains, we will be friends forever. [fol. 109] I have spoken of an agent, I will speak more. If we agree at the council we have many things to do for you; the agent will live with you and see that it is done; if you think we have not done our part go to the agent and tell him so, and he will see that we do do it. If we think you have not done your part the agent will go to the chiefs and say so frankly and arrange it with them; he will be your elder brother, and will see that you are not wronged, and that the bargain is carried out.

I have much more in my heart to say but now, there will be time enough by and by; my brother Gen'l Palmer has to speak, he is your friend as I am but he has known you longer, and he can speak to you better than myself; he feels for you and you will find that every word which he says comes from a desire to serve you.

If you wish to hear him now he is ready to speak.

Gen'l Palmer Said. My friends, I do not wish to tire your patience too long, I have something to say to you, if you will listen a little longer I will speak.

My brother here speaks truly, when he says I desire to speak and act for your good.

In order to explain more fully the course pursued by the government towards the Indians on the other side of the mountains I will tell you of it; my brother here has reference to that subject and I may perhaps have to repeat his words.

He has told you something about our first settlements among the Indians over the mountains; those settlements were made over Three hundred and sixty years ago. First came a chief with several of his brethren in three ships across the ocean, they found many Indians in that country who received them kindly, they gave to them food and received in return beads and various trinkets; that chief after traveling over a great extent of country and visiting many villages left a part of his people and returned home.

After having been absent some time he returned with many others, upon arriving at the point where he had left his children none could be found. After the Chief left, these people began to quarrel among themselves and with the Indians.

There were many causes for this; a portion of the Indians whose hearts were not good, stole the property belonging to these people; the whites retaliated by whipping and ill treating them. That was the first offense on the part of the Indians; the whites had long been without women and they often took forcibly the women of the Indians; this induced them on their part to retaliate; these difficulties continued from bad to worse until finally there was war; our people were but few, the Indians many; our people were all killed; there were also many Indians killed. Upon seeing our Chief return with his vessel and other vessels and so many people they fled; they knew they had done wrong as well as the whites, and they expected they would be punished for it; this time our Chiefs brot' with them their women and children and cattle and horses, and tools to work with.

The Indians seeing they were not interfering with them returned and for a while they lived together in peace; but they lived indiscriminately together, a white man here and an Indian there; but they could not long live thus; their customs and mode of life was different, they did not understand each other; they continued a number of years with little difficulties occurring, occasionally killing one another until it finally broke out with another war; peace would sometimes be made and last for a little time, but finally they would get foolish and their hearts would get bad; as it is [fol. 110] said in this country sometimes; in this part of the country by the young men they are few we are many let us wipe them out.

They finally made war, a council was held, speeches and harangues were made and they declared war, a few white men were killed and many Indians were killed; there were more Indians killed than white men because we had better arms and know how to make them. This war continued some time but finally they had peace; the whites brought with them and made after they arrived here whisky; this the Indians were very fond of and like all other persons after drinking it were foolish; they quarreled among themselves and killed each other and some whites in their drunken frolics; our chief saw this conditions and desired to do them good; he saw that the Indians and the white man could not live peaceably together: he called the Indians together in council; he proposed as we propose in this council, to pur-

chase their country and select a place for them to live; he proposed to have a district of country set aside for the Indians to live in that no white man should live there; but the Indians said No! why should we leave the bones of our fathers and go to a strange land; we have plenty of elk, deer, bear, berries, and roots; we like you let us live together, we don't want to cultivate the soil you are welcome to occupy it; they were told that the wild game, the roots and the berries would not last always; they said they were a great and numerous people, they knew what was best for them and did not want our counsel; they quit talking, the whites went to their houses and Indians to their lodges; our people continued coming; every year vessels came until our people got as numerous as the leaves on the trees.

It was but a few years before their game was all killed off; for the white man killed the game as well as the Indians; the Indians had no food in his lodges, the women and children were hungry; at last they commenced stealing our peoples property and plundering their houses; our people were forced to retaliate by whipping and shooting some of them. The Indians again sent messengers to the surrounding tribes to call them to make war; they resolved in council to exterminate the white, kill them off; they commenced by burning houses, murdering women and children, and killed a good many of our people; finally our warriors were collected and they had war; they did not understand our mode of warfare and thousands of Indians were killed and but few of our people were killed in the battles. This continued for a long time and the tribes finally concluded they had been acting foolish, and that they would receive the talk of our chief.

Those that were left finally agreed to meet our chief in council; they did so and there was peace. In that council it was agreed by the Indians that they would reside on a certain district, set aside for them certain limits, certain bounds; they agreed in that council to live in peace with the whites, and to commit no depredations on them, and to live at peace with other tribes; our chief agreed that we would build them mills, black smith shops, carpenters shops and supply them with all necessary fixtures.

Our chief directed his agents to build those mills and school houses and shops, and he employed teachers and smiths and millers and sent them among them. They sup-



plied them with cattle and horses and oxen and ploughs and waggons and every variety of farming tools.

These Indians then began to see that they had acted very foolish, and that when they supposed they knew enough for them and did not want any of our counsel, they knew nothing, they were as blind men; they have since been learning and continued to learn and prosper, and are now a great happy and good people; there were a few tribes who refused to go into that council, who refused to treat. What was the condition of that people? Those who thought themselves very wise and refused to take the advice of the white people those who continued to make war upon our people? Their game was all killed, they had nothing to eat, they fled to the [fol. 111] mountains then they continued to live but a few years of miserable existence, until they were finally overtaken by more powerful tribes and all killed. There were other tribes in other districts of country, who heeded the advice of the cheif and were set aside in districts of country belonging to themselves.

In all cases where they have entered into a treaty and agreed to reside upon tracts set apart for them our cheif has aided them. All who have settled upon these tracts have not done well, for they are lazy and have foolishly thrown away what has been paid them.

But you as a people know how to appreciate these advantages and would not throw them away; all experience we have had with Indians these Three hundred and sixty years shows us that the white man and the red man cannot live happily together; although we may live near together there should be a line of distinction drawn so that the Indian may know where his land is and the white man where his land is; you are all able to judge for yourselves by the constant difficulties that are occuring here among you, between the whites and the Indians.

We have some people whose hearts are bad, who violate our laws; we have men who are afraid to live in the settlements, they seek opportunities to go among people at a distance, among the Indians; as an evidence of that I need only refer to matters that have transpired within the past four weeks in your own country; a few men had formed a plot by which they were to get your horses: their plan was this: part of those men went over into your bands and if they

found any horse branded took a description of it, wrote it down in a book; when they had visited all your bands and got the description they would go away. Sometime after they would take their book and give one of their party a description of these horses and an order to get them; when they gather up all these horses they will drive them off to the Grande Ronde or some place in the Blue Mountains; they contemplate when they had got the stray horses coming back and drivin all your horses to Salt Lake; but a short time ago Mr. Thompson came up and learned the trick: he went below and took out a warrant for them and these soldiers came up to try to arrest them.

It is these men I am told who would rob you of your property, who are giving you advice not to treat with us; whose counsels do you prefer to take? These men who would rob you, or ours who come to befriend you? These men who came here are strangers to you with smooth tongues, they care nothing about the truth. I don't mean to say that all who come among you are bad men; I am afraid there are a few of these young men who come to live among you and wish to get your women, not because they desire your women but because they want your horses, they will come and remain among you a few years, get a woman and raise children, but when they get a band of horses around them, they will be off and leave the women and children without anything; I have been told that one of these men has been in your camp since we have been holding this council, advising you to have nothing to do with us; these men you cannot tell always who they are, but all such men need watching; you will now be able to judge who are your firends, such men, or myself and my brother who have come here to act for your good.

We have been talking a good while and you have been listening. You are tired sitting. I have more to say to you but I will leave it till tomorrow and say no more at present.

The Council then adjourned at 3½ P.M.  
[fol. 112] In the evening the Young Cheif sent a message to the Commissioners to the effect that he should be pleased if no council should be held tomorrow, as his people desired to make a great Feast and have a general holiday. To which request the Commissioners acceded.

Lawyer, Pee-o-pee-mox-a-mox, Young Cheif and Cam-i-ah-kun dined at Gov. Stevens table with Gen'l Palmer and the gentlemen of the party.

June 1st. Friday.

All about the Treaty Ground was very quiet, all the principal Cheifs dined at Gov. Stevens table.

The day was extremely warm and to have held a council would have been most uncomfortable.

June 2nd. Saturday.

The Indians began to collect at 11½ A.M. Some delay was occasioned by the non appearance of Cam-i-ah-kun and Ow-hi. But at 12 P.M. all the cheifs being present the council opened.

Gen'l Palmer Said: My friends, we have met here today to continue the talk; I shall try and speak so that you may understand me.

I have said that the white man and the Indians could not long live together in peace, a few may do so, but where there are many we cannot do it. If your Cheifs are unable to restrain your people where there are but few, how can our Cheif prevent his people from doing wrong when they are so many and scattered over so large an extent of country.

It is but fifty years since the first white came among you, those were Lewis and Clark who came down the Big River—the Columbia. Next came Mr. Hunt and his party, then came the Hudson Bay Co. who were traders. Next came missionaries; these were followed by emigrants with wagons across the plains; and now we have a good many settlers in the country below you.

If there were no other whites coming into the country we might get along in peace; You may ask, why do they come? Can you stop the waters of the Columbia river from flowing on its course? Can you prevent the wind from blowing? Can you prevent the rain from falling? Can you prevent the whites from coming? You are answered No! Like the grasshoppers on the plains; some years there will be more come than others, you cannot stop them. Our cheif cannot stop them, we cannot stop them; they say this land was not made for you alone, the air that we breathe, the water that we drink was made for all. The fish that come up the rivers, and the beasts that roam through the forests and the plains,

and the fowls of the air, were alike made for the white man and the red man.

Who can say that this is mine and that is yours? The white man will come to enjoy these blessing with you; what shall we do to protect you and preserve peace? There are but few whites here now, there will be many, let us like wise men, act so as to prevent trouble.

And now while there is room to select for you a home where there are no white men living let us do so. I have [fol. 113] made treaties with all the Indians tribes in the Willamette Valley, with all in the Umqua Valley, with all in the Rogue River and Shasta country; they have agreed to remove to such tracts as shall be selected for them; they have agreed to be friendly with the whites and all other Indians; they have sold us all their country except the reservations; we have agreed to build them mills, blacksmith shops, waggon makers shop, to erect a tin shop and gun smith shop, to build a school house and hospital, to employ millers mechanics, school teachers, doctors and farmers, all these expenses to be paid by the government for twenty years.

Do you want these things? Do you want a saw mill to saw the timber to build your houses? You have a few lodges now, how long will they last? by and by where will you get your hides to make lodges? Gov. Stevens told you that the Blackfeet said the Buffalo were not as plenty as they were once; it is but a few years since there were a plenty of Buffalo at Fort Hall. Mr. Craig here has seen many of them there and probably others of you have; where are they now? All gone;

Do you want mills to grind your wheat and your corn? Do you want blacksmiths to make your ploughs and harrows? to make your axes, hatchets, hoes, knives, and to shoe your horses? Do you want a gunsmith to mend your guns when broken? Do you want a tinner to mend your kittles, your pans and cups? Do you want a carpenter to build your houses and a waggon maker to make your waggons? Do you want a shoe maker to make your boots & shoes? Do you want a doctor to attend to the sick and give them proper medicines? Do you want farmers to assist you and show you how to raise wheat, corn and potatoes? Do you want school teachers to teach your children



how to read and write? Is it not good that these men can write down what is said here and understand what it is? It would make my heart glad if you could all do so. It would make my brother's heart glad if you could all do so; would it not be good if you wanted to talk with my brother, or if you wanted to talk with our Great Chief? If you knew how to write and wanted to talk you could send it to him on paper and he would know your heart: would it not be good then to have schools among you?

Do you want to have plenty of provisions for your women and children? Do you want to have plenty of blankets and clothing? The deer skin and the elk skin cannot always be had to make your clothing; do you always want to live at peace with all persons? If you want all these things we are ready to give them to you; when we know your hearts then we shall know whether you want these things or not.

You have often been told that by and by our Great Chief would send some person to buy your country. I suppose you have been looking for that person a long time; Dr. White came here. What did he do? He may have talked very well to you but what use? Mr. Wampool came, what did he do for you? My brother and myself have come, we have not only come to talk but to do something. Will you receive it or will you throw it behind you? We did not come here to scare you or to drive you away, but we came here to talk to you like men, and to make such arrangements as to preserve peace and protect you. Our agents have tried to protect you in all your rights: but I am fearful they will not always be able to do so, if you continue to live in this scattered condition.

I see here a good many old people. I expect you have left a good many of your old people at home; we want to do them some good while they yet live, and if you enter into a treaty with us we can then do them some good and do you all good; if we enter into a treaty now we can select a good country for you; but if we wait till the country is filled up with whites, where will we find such a place? My heart is that it is better for you to enter into a treaty now with us. I know that my brother has a good heart and wants to do you good, but we do not know how long we can act for you. Perhaps it may not be long before other agents

[fol. 114] will come; the next that come may not have such good hearts and do as much for you as we will.

If we make a treaty with you and our Great Chief and his council approves it, you can rely on all its provisions being carried out strictly. My heart is that it is wise for you to do so. I will not speak any longer.

Gov. Stevens Said. My Children, my brother and myself have opened our hearts to you, we want you to open your hearts to us.

Five Crows Said, we are tired.

Gen'l Palmer Said. We are not expecting to say any more today.

Five Crows Said. I have a little to say. Do you speak true that you call me brother? We have but one Father in Heaven; it is He /pointing above/ who has made all the earth; He made us of earth on this earth: He made our Fathers; when he gave us this earth. He gave no gardens also.

He created our Fathers when he created Adam; we were divided into different countries; It was He, the Almighty that passed the law; He is the same God that made the Ten Commandments; He said my Children you must do no evil, you must not steal, you shall not take any thing without payment; the Great Father says he will send the thief into fire—into hell—

The Commissioners said will you speak now or on Monday?

Pee-o-pee-mox-a-mox Said. Why not speak tomorrow as well as today? We have listened to all you have to say and we desire you should listen when any Indian speaks. It appears that Craig knows the hearts of his people, that the whole has been prearranged in the hearts of the Indians; that he wants an answer immediately without giving them time to think; that the Indians have had nothing to say so far it would appear that we have no chief.

I know the value of your speech from having experienced the same in California, having seen treaties there. We have not seen in a true light the object of your speeches; as if there was a post set between us, as if my heart cried from what you have said; as if the Almighty came down upon here this day; as if He would say, What are you saying? Look at yourselves your flesh is white mine is different, mine

looks poor; our languages are different. If you would speak straight then I would think you spoke well; we have come together to speak about the earth and not of God; you were not afraid of the Devil!

You see this earth that we are sitting on; this country is small in all directions. Why should you fear to speak on Sunday? Should I speak to you of things that have been long ago as you have done? The whites made me do what they pleased, they told me to do this and that and I did it? they used to make our women to smoke; I suppose then they did what was right: when they told me to dance with all these motions that are here then I danced. From that time all the Indians became proud, and called themselves Cheifs.

On another subject I have something else to say. Now how are we here as a post? From what you have said I think you intend to win our country, or how is it to be? In one day the Americans become as numerous as the grass; this I learned in California; I know that is not right; You have spoken in a round about way; speak straight. I have ears to hear you and here is my heart. Suppose [fol. 115] you show me goods shall I run up and take them? That is the way we are, we Indians, as you know us. Goods and the Earth are not equal; goods are for using on the Earth. I do not know where they have given lands for goods.

We require time to think, quietly slowly. I see Americans in all countries, it is not the country to think about, we may think about another; there is the Mission /Catholic Mission/ it is right there and it is right it should be there. You have spoken in a manner partly tending to Evil. Speak plain to us. I am a poor Indian, show me charity; if there was a cheif among the Nes Perses or Cayuses, if they saw evil done they would put a stop to it and all would be quiet; Such cheifs I hope Gov. Stevens and Gen'l Palmer are. I should feel very much ashamed if the Americans should do anthing wrong. I had but a little to say, that is all. I do not wish you to reply today, think over what I have said.

Com-os-pi-lo- Said in substance as follows, it was addressed to his people and rendered by the Interpreters after the conclusion of his speech.

He reproved the young men for laughing and talking: said they considered him of no account any longer; they had knocked off his horns and his teeth were worn out; once he had horns and he could hook; teeth and they were sharp and he could bite; you young men think yourselves very smart by and by you will learn; now I am tired of your conduct; I am not speaking to Gov. Stevens or Gen'l Palmer, I am speaking to you young men, as my children, to listen and behave yourselves.

Gov. Stevens Said. We are ready to hear, my friends anything you have to say today. If you desire not to speak today the council will adjourn till Monday. We do not wish to speak on Sunday because our Great Cheif does not want us to do business on that day, unless it is a matter of necessity. We think that most of our red brethren do not wish to do business on Sunday. The Council is adjourned till Monday at 10 A.M.

And the Indians then dispersed at 3 P.M.

June 4th at 12½ P.M. the Indians began to collect and 1½ P.M. the council opened.

Gov. Stevens Said. Pee-o-pee-mox-a-mox said on Saturday, he had listened patiently to all we had said, and hoped we would listen patiently when any Indian spoke. We listened patiently on Saturday, we shall listen patiently today; we want you to open your hearts and speak freely.

After a long pause the Lawyer said. If you will designate some one to speak first he will speak. If you do not they will sit here all day without speaking.

Gov. Stevens Said. We expect the Head Cheifs know the hearts of their people. We will be glad to hear the lawyer speak.

The Lawyer Said. My Cheifs and people, I will now speak, listen (to Commissioners) I ask good for these poor people; I thing my cheif about what you have been speaking; It is from the man that made us, My Cheif, or is it from your own people? that is the reason of my asking, where is it from you have spoken My Cheif? Although I think it is from the white people; from where the white people is they have been dying and dying, and are yet dying, and also the whites are living all from the same people. The same thing of our [fol. 116] people our red people that are younger and from



the same root; and here you see these many of us yet and still living, old men and children.

The Supreme Being our maker listens to the white people who are dead and also to those who are living; the same thing with the red people, they listen to the dead and also the living.

And this what the President has made up his mind for us poor people; he has thought were a poor people and says go and see them and learn them straight; and this is the reason you have told them you would learn them to read and write and all those other things you have spoken of; and that is the reason I have understood what you have spoken from the President: for that reason you have been asking us questions, and now we are asking questions from you.

It was not for nothing I have been listening to you. My country is poor it is a trifling country. You see the map the marks of our country, one stream runs one way another runs another way, it is all rock. My Cheif, but the Big Cheif from the light (the East) said to you go and talk to these people and you have done it, he says go there to take care of your white people and your red people and you have done it. As long as the Earth stands take care of the people; he said to the white people and the red people all as one let us listen to the laws, when the earth is done away with there is the end of the law, and that is the reason you see us good and we see you good.

My Cheif that is all I have to say at the present, there are a good many men here who wish to speak. Let them speak.

The Commissioners requested Pe-at-tan-at-tee-miner to speak, who replies. You have heard what I have to say. My mind is the same as the Lawyer has spoken. What I had to say he has said, he has spoken my mind, I have nothing to say, he has said all, for my land it is for you and for me. I shall do you no wrong and you do me none, both our rights shall be protected forever; it is not for ourselves here that we are talking, it is for those that come that we are speaking. This is all I have to say at this present time.

Cam-i-ah-kun was invited to speak and said. I have something different to say than the others have said. It is young men who have spoken; I have been afraid of the white man their doings are different from ours. Your cheifs are good,

perhaps you have spoken straight, that your children will do what is right, let them do as they have promised. This is all I have to say.

Pee-o-pee-mox-a-mox was next invited and said I do not wish to speak. I leave it to the old men.

Gen'l Palmer Said. We do not know who of them desire to speak; let their old men speak if they desire to do so.

Gov. Stevesn Said. If u-u-Sin-mull-e-cun would like to speak we would be glad to hear him. He replied. I do not wish to speak now let those who have already spoken speak. What the Lawyer has said is my heart, it is not necessary for me to speak.

The Commissioners called upon Staachas to speak who said, how is a cheifs language? How is the Big Cheif talk? Where has their talk sprung from? That they have spoken straight on the part of the Indians; the Lawyer although young has spoken well for me. Who is it that is going to speak straight for all of us. Now I want the whites and the Indians to show all their hearts; you know and we all know life while we are living, and I ask you my friends to speak straight and plain to us, as if I spoke to the President I say Yes. I would wish that the President was here so that we might all listen to him; he would enlighten us, he would give [fol 117] us life, he would make us to live as we ought to live, we would give each other our hands to hold always.

Lawyer spoke first and he will have more to say about this we are now speaking of. Lawyer has asked you to speak plain. I make the same request. I have nothing more to say.

Pee-o-pee-mox-a-mox Said. I do not know what they (the interpreters) have said. My heart was heavy, my heart has to separate so, that was my heart. I do not know for what lands they (the interpreters) have spoken. If they had mentioned the lands that had spoken of then I should have understood them. Let it be as you propose so the Indians have a place to live, a line as though it was fenced in, where no white man can go.

If you say it shall be so then all these Indians will say yes Although that you have said the whites are like the wind: You cannot stop them, you make good what you have promised.

You have spoken for lands generally. You have not spoken of any particular ones, your words are here (at this place). If you spoke as the watch goes, then we would say yes; the manner in which you have addressed the whole of us had made my heart heavy. I had nothing to say: I like you Americans; and I like the Hudson Bay Co. people by which means I am led this way and that way; I do not know as yet what lands these Indians have spoken for but when they mention the lands then I shall know.

Fah-hah-tsil-pilp or the Red Bear said: I am not ashamed of any of my friends, for why should I be ashamed? If there was something above that I should be ashamed of, then I should be ashamed; I am not ashamed of any people that are sitting around, we have spoken here with our brothers. This is the first time I have ever seen my brothers here.

I like your talk very much as I have heard it, and that is the reason I have listened to you well. And here where we see each other face to face we will talk straight. We shall know if you shall like my talk that I am now talking as I have like yours. I wonder if we shall both tell the truth to each other.

This is what I think my Brothers, that one time more we will talk, we will not say yes from what has yet been said.

Now my younger brother there will speak. Being thus called upon.

Tip-pee-il-lan-ah-cow-pook, or the Eagle from the Light arose and said: Yes my friends you see where the Sun is. He hears me. It is from beyond where the Sun is that sent you here to talk.

The red people are put on this earth. A white man was sent on this earth from the Light (meaning the East). The red man was sent from the West, and now the big chief from the Light has sent his talk here to the red people.

The President has spoken to me through you and I hear it. He likes us. He has fixed places for us to sit on and love one another. And I also like the white people as the President likes us.

On a road ready finished, he has sent you here. Look at the face of the earth, there is a road to travel on. Roads up the valleys and roads on the the end of the earth. From the time you started, you found a road till this time.

You are now come to join together the white man and the red men.

[fol. 118] And why should I hide anything? I am going now to tell you a tale. I like the President's talk; I am glad of it when I hear it here and for that reason I am going to tell you a tale.

The time the first white men ever passed through this country, although the people of this country were blind, it was their heart to be friendly to them. Although they did not know what the white people said to them they answered yes, as if they were blind. They traveled about with the people as if the people that said that had been lost, and those lost people said to them, yes.

I have been talked to by the French and by the Americans, and one says to me, go this way, and the other says go another way; and that is the reason I am lost between them.

A long time ago they hung my brother for no offence, and this I say to my brother here that he may think of it.

Afterwards came Spalding and Whitman. They advised us well and taught us well, very well. It was from the same source, the Light (the East). They had pity on us and we were pitied. And Spalding sent my Father to the East—the states—and he went. His body was never returned. He was sent to learn good counsel and friendship and many things. That is another thing to think of.

At the time, in this place here, when there was blood spilled on the ground, tho there was blood upon the earth we were friendly to the whites and they to us. At that time they found it out that we were friends to them. My chief, my own chief said, I will try to settle all the bad matters with the whites and he started to look for counsel to straighten up matters; and there his body lies, beyond here. He has never returned.

At the time the Indians held a grand Council at Fort Laramie. I was with the Flatheads and I heard there would be a council this side, next year. We were asked to go and find counsel, friendship and good advice. Many of my people started and died in the country. Died hunting what was right. There was a good many started there on Green River, the small-pox killed all but one. They were going to find good counsel in the East; and here I am looking still for counsel, and to be taught what is best to be done.



And now look at my peoples' bodies scattered everywhere hunting for knowledge, hunting for someone to teach them to go straight.

And now I show it to you, and I want you to think of it. I am of a poor people.

A preacher came to us, Mr. Spalding. He talked to us to learn, and from that he turned to be a trader, as though there was two in one, one a preacher and the other a trader. He made a farm and raised grain and bought our stock, as though there was two in one; one a preacher the other a trader.

And now from the East has spoken and I have heard it. And I do not wish another preacher to come and be both a trader and preacher in one. A piece of ground for a preacher, big enough for his own use, is all that is necessary for him.

Look at that, it is the tale I had to tell you, and now I am going to hunt friendship and good advice.

We will come straight here—slowly perhaps,—but we will come straight.

[fol. 119] Gov. Stevens said: My brother, if any of you wish to speak today, I will still be silent. Is there anyone who wished to speak now? If not, I will go on. We have listened to you carefully. We think we know your hearts.

You are willing to make a bargain. You want to know exactly the terms. We have promised mills, ships, schools, teachers, farmers, and all the other things for a term of years. You want to know how many years. We have promised you as the other part of the payment clothing for yourselves, your wives, and your children; tools and implements for your farms and shops and articles for your home.

You want to know how much clothing. How many implements and tools and articles for your farms, your shops, and your houses; and how many years will you have them?

Before I answer that, I will answer another question which you have asked me. You want to know where your Reservations are to be. What is the ground we have in view for you. I will explain this matter freely.

Here are Nes Perses, Cayuses, Walla Wallas, Yakamas and Umatillas and bands on both sides of the Great River to below the Dalles.

Tribes northwards: Colvilles, O-kin-kune, Palouse.

For the principal tribes here present, we have thought of two Reservations. One Reservation is the Nes Perses country and one in the Yakama country. The Reservation in the Nes Perses country, to extend from the Blue mountains to the spurs of the Bitter Root, and from the Palouse river to part way up the Grande Ronde and Salmon River.

On this Reservation we wish to place the Spokanes, the Cayuses, the Walla Wallas, as well as the Nes Perses, and also the Umatillas. That will be something for them to think about to see whether they can agree to it.

The Yakama Reservation to extend from the Attannun river—to include the valley of the Pisco river—and from the Yakama river to the Cascade Mountains. On this Reservation we wish to place the Colvilles, O-kin-a-kunes, Palouse, Pesquouse, Klit-a-tats, and the bands on the north side of the river below the Walla Wallas as far as the Kuth la poodle river, near the Cowlitz. All these as well as the Yakamas on that Reservation.

There is a third Reservation East of Mr. Jeffersons which will be explained to you by Gen'l Palmer; there it is proposed to place the band below the Umatillas.

We want you to think about this and see if you like it. You may think the Reservations are not good. If not you will say so. The Cayuses, the Walla Wallas, the Umatillas, may prefer the Yakama to the Nes Perses Reservation, and they may not like either.

I will give briefly the reason for selecting these two Reservations. We think they are large enough to furnish each man and each family with a farm, and grazing for all your animals. There is especially in winter grazing on each Reservation. There is plenty of Salmon on these Reservations, there are roots and berries. There is also some game. You will be near the Great Road and can take your horses and your cattle down the river and to the Sound to market.

Though near to the great roads, you are a little off from them, and you will not be liable to be troubled by travellers passing through.

[fo. 120] We can better protect you from bad white men there. We can better prevent the trader and the preacher all in one man going there. We can better prevent bad men

telling you to dance, and cheating you with lies. We can better stop the thief who comes to steal your horses. Your horses will be saved to you and there will be no thieves to throw into hell-fire.

You may ask, why so many tribes on one Reservation, and how is it proper to place them on the Reservation?

We want as many tribes together as can be taken care of by one agent. We can do more with the same means; this is a matter I wish to explain fully, and also about the payment in clothing, etc., which I mentioned in the first part of what I said. I will speak no more today, but speak tomorrow. Think over what I have said and hear the rest tomorrow.

Gen'l Palmer said: I shall say nothing to you tonight. You have been sitting a long time and you are tired. We want you to come tomorrow morning early. We want you all to come. You have heard but part, we want you to hear the whole, and when you hear all I think you will say it is good. I have nothing more to say tonight.

The Council then adjourned at 6 P.M.

June 5th, Tuesday.

The Indians began to collect 11½ A.M. and at 12 P.M. the Council opened

Gov. Stevens said: My Children, I stated yesterday that we wished to place you on two Reservations and that as regards the tribes below the Umatillas. There was a third Reservation which would be explained by my brother, Gen'l Palmer. I stated we wanted as many tribes as could be taken care of by one agent.

I will now explain this matter more freely. We wish to put the Spokanes, the Nes Perses, the Walla Wallas, the Cayuses, the Umatillas on one Reservation in the Nes Perses country.

Here (showing a draft on a large scale) is a map of the Reservation. There is the Snake River. There is the Clear Water River. Here is the Salmon river. Here is the Grande Ronde river. There is the Palouse river. There is the El-pow-wow-wee.

We commence where this river, the Palouse, comes from the mountains, and down the river to the mouth of the Tinotpan-up, then to the Snake river 10 miles below the mouth

of the El-pow-wow-wee, then to the source of the El-pow-wow-wee, Thence along the crest of the Blue Mountains to the Grande River below the Grande Ronde, thence along the ridge between the Wall-low-low river crossing the Snake River 15 miles below the mouth of Powder river, thence to the salmon river a little above the crossing, thence by the spurs of the mountains to the source of the Palouse river at the place of beginning.

This is a large Reservation. The best fisheries on the Snake River are on it; there are the fisheries on the Grande Ronde river. There are fisheries on the Os-ker-wa-wee, and the other streams. There are cumash grounds here at this place (pointing to the large cumash grounds of the Nes perses). We feel if we put you on this Reservation our agent can visit you all and take care of you all.

[fol. 121] Each tribe will have its own place on the Reservation. The Spokanes will have their place and their home. The Nes Perses their place and their home. The Walla Wallas their place and their home. The Cayuse and the Umatillas their place and their home.

The Spokanes will have a blacksmith, a school, and a farmer. The Walla Wallas will have a blacksmith, a school, and a farmer. The Cayuse and Umatillas will have a blacksmith, a school, and a farmer. The Nes Perses are more numerous they will have two blacksmiths, two schools, and two farmers.

These schools are the first schools where your children will learn to read and write. The agent will live in some central place where there will be an agricultural and industrial school common to all the tribes. To this school all the tribes will send such of their children as wish to study more than in the first schools, and to learn trades. Here where the agent lives will be the tinner and tin shop. There will be one for all the tribes. There will be the waggon maker and wheel right; there will be one for all the tribes.

For the four tribe there will be two saw-mills and two flouring mills in proper localities. Thus all the tribes will be on an even footing, and each will have the same provision made for them.

You will see that you will be better taken care of all on



one reservation; each tribe having its own place, than if the Spokanes were on one reservation with the whites all around them. the Nes Perses on one reservation with the whites all around them, the Cayuses and Umatillas on one reservation with the whites all around them.

Here (showing map) you will be on one Reservation with equal rights under one Agent, and the same provisions for your welfare. But each tribe has its head chief. A chief takes care of his people. His people listen to him. He devotes his time, his very life to their good. We want your chiefs to be such men, we expect them to know about you and to see that we do our part. They will not work for themselves, they will work for you. We shall therefore give the Head Chief of each tribe Five Hundred Dollars a year for 20 years to be paid in cash.

We shall build for each Head Chief a good house to live in. The Agent will have his house and he will be paid. The Head chiefs shall have their houses and be paid. They will all labor for the good of the Indians.

You will be allowed to pasture your animals on land not claimed or occupied by settlers, white men. You will be allowed to go on the roads, to take your things to market, your horses and cattle. You will be allowed to go to the usual fishing places and fish in common with the whites, and to get roots and berries and to kill game on land not occupied by the whites; all this outside the Reservation.

My friends, I have held four councils on Puget Sound. I have made treaties with all the Indians on that sound. They number more than all the tribes here present. They have all agreed, should the President decide, to go on one Reservation. That Reservation is only about one fiftieth part as large as this; they have, however, a few horses and cattle. They have not three hundred head. They take Salmon and catch whale and make oil. They ask for no more land. They think they have land enough. You will be farmers and stock raisers and wool growers and you need more.

Now I will tell you the payments that will be made provided you are placed on one Reservation. If you go on different reservations different provisions will be made.

Well, you all go on one Reservations, Spokanes, Nes Perses,

Walla Wallas, Cayuses and Umatillas; we shall spend a [fol. 122] certain amount in moving you onto the Reservation, in breaking up and fencing your farms, in building houses for your chiefs, your sub-chiefs and your people, in cooking utensils for your houses, in milk pans and churns, in a good supply of blankets and clothing. In all these things we will expend for you, One Hundred Thousand Dollars. This will be done the first year you go on the Reservation.

Now, if any man gives up a tract of land in going onto the Reservation, he will have the same thing done for him that is done for all the rest and he will have, in addition, his improvements made good to him on the Reservation or the value of them paid to him in cash, as he may desire.

The other payments extend through twenty years. Two Hundred and Fifty Thousand Dollars. We do not want to spend this amount or much of it in cash, and I want my friend Pec-o-pec-mox-a-mox and the other chiefs to listen while I give the reason. I ask all the chiefs to hear my reasons and think of them.

We can furnish you with nearly twice as many goods with the same amount of money as you can get from the Traders. We shall buy the things you want in New York and San Francisco at cheap rates and good articles. The expense of getting them to you will not come out of your money; it will cost you nothing. You now pay Eight or Nine Dollars for a blanket at Fort Walla Walla, we shall furnish you two such blankets for less than that sum, say from six to seven dollars. At Fort Walla Walla a flannel shirt costs three dollars, we will give you three shirts for three dollars. You pay for a calico shirt at Walla Walla one and a half cents a piece. If we furnish the goods therefore, you will get three blankets, three flannel shirts and three calico shirts for the same money you now pay for one blanket, one flannel shirt, one calico shirt, and have to make a long journey for them besides. We can furnish four hoes for a dollar and a half. You know what you have to pay for a single hoe at Fort Walla Walla and the Dalles. We

want the payments to do as much for your good as possible. We don't want half of it go into the pockets of Traders.

I ask the chiefs to listen to me again.

There will be a certain sum each year for their people. We want them each year to consult their people and tell us what things they want. We want them to make out a list how many blankets they want and what kind of blankets, the number of flannel and calico shirts they want, and so for every article of clothing for their men, women and children. Also the tools they want for their farms, their house and their shops. In short we want the chiefs to tell us how they want the money spent. The list to be made out every summer for the pay of the next year. If you want part of the pay made in money we want you to give the reasons and state the sum each year. We will send your reasons to the President and let him decide. There are many of you we would be willing to give a part of the payment in money, but not to the men who drink whiskey, and not to the men who do not take care of their wives and children. Let, therefore, your chiefs each year make out a list of how much money and we will send it to the President.

I have now a few words to say in regard to the Yakama Reservation; the same provisions as regards schools, farms and shops will be made, as in the case of the Nez Peres Reservation.

Here is the Yakama Reservation, commencing with the mouth of the Attanum river, along the Attanum river to the Cascade mountains, thence down the main chain of the Cascade mountains south of Mount Adams, thence along the Highlands separating the Pisco and the Sattass river from the rivers flowing into the Columbia, thence to the crossing of the Yakama below the main fisheries, then up the main Yakama to the Attanum where we began.

[fol. 123] We propose to place there the Colvilles, the O-kin-a-kunes and Pisauouse Indians (they now send their cattle and horses there in winter), also the Bands on the Columbia River below the Walla Walla down to the mouth of the Kuth la poodle river, also the Klicatat around Mount Adams and Mount St. Helens. These Klicatats and these bands on the Columbia originally came from here or further north.

We will give one blacksmith, one farmer and one school for the Colvilles, one of each for the Pisquouse and O-kin-a-kunes, one of each for the Yakamas, one of each for the Yakamas including the Palouse, one of each for the remaining bands. They shall have the agricultural and industrial school as in the other Reservation. They shall have the same mechanics, gunsmith, tinsmith, plough and waggon makers. Their children shall be taught and they shall learn trades like the children on the other Reservation. They shall have the same liberties outside the Reservation to pasture animals on land not occupied by whites. to kill game, to get berries and to go on the roads to market. Payments to be made in the same way as in the Nes Peres Reservation. One Hundred Thousand Dollars to be expended the first year. Two Hundred and Fifty Thousand Dollars, the next twenty years.

I need say nothing more. It is designed to make the same provision for all the tribes and for each Indian of every tribe. The people of one tribe are as much the people of the Great Father as the people of another tribe; the red men are as much his children as the white men.

We think this plan will be for your good. We want you to think of it. I have tried to talk plain and to speak straight out. My Brother will now speak.

Gen'l Palmer Said. My Brothers, my brother here has said as much perhaps as could be said. He has told you what we desire to do for you; it is for you to say whether you will receive it or throw it away; we have but one heart; he has been speaking of something which interests you; it is the duty of your chiefs and your men to think well of it. It was said by this man (Young Chief) the other day that we were not acting wholly for these that are here now, but for those who come after us; it is the duty of a parent to provide for his children. You may not understand all the advantages of the propositions that have been made to you; but they are for your benefit and those who come after you; as a chief desiring to promote your interest, I say it is good; that I would not deceive you; the Great Spirit who knows the heart of all men knows that I desire to promote your good.

We expect it will take at least two years to prepare these reservations for you to go onto. If we make a bargain and



sign the papers, my Brother and myself and all the Head Cheifs and Head men, that paper must go to Washington. Our Cheif and his council will examine it; if they approve it they say yes, and give us the money to expend in accordance with its provisions.

My brother has stated that you will be permitted to travel the roads outside the Reservation. We have some kind of roads which perhaps you have never seen; we may wish to make one of the roads from the settlements east of the mountains to our settlements here; they may desire to run that road through your Reservation; if we desire to do so we wish that privilege; that kind of road we call a railroad. I will try and explain to you the way in which we make such roads. We first lay on the ground sticks of timber, we then lay other sticks across in that way, unite them together and put a strip of iron on the top of them, we then place a waggon on those tracks and instead of having horses or oxen hitched to the waggon we build a fire; some of you have seen a steamboat; they have on this waggon a boiler filled with water, the fire heats the water and produces [fol. 124] steam, which propels the machine. I am unable to explain all the machinery or the way in which it works but they will travel faster than your swiftest horses can run, all the time. If we start from here at sunrise we can be at Wascopen by the middle of the day. We sometimes attach twenty of those waggons together and one of those Engines draws the whole, they will take waggons enough to draw more people than are here. We call the waggon in which they have the fire and water a Locomotive: I have rode on those waggons many a time so have our people here all or nearly all of them. Now if our cheif desire to construct such a road through your country we want you to agree that he shall have the privilege. You would have the benefit of it as well as other people.

We have another improvement that I wish to speak to you about, it is called Telegraph. We may possibly desire to make such an improvement through your country. We set posts into the ground 15 or 20 feet high, and as far from here as that house; when the posts are set we place a wire on the top about as big as that; this wire extends as far as we wish to make the road if it is 100 or 1,000 miles.

If my brother is at Oregon City and desires to speak to

the Great Cheif he speaks to him if the wires extend that far; the man at the other end of the land will know what he says as quick as I who stand beside him; if the instrument which is attached to this wire should be in you country an a man should steal your horse, and you desired to send word to the Willamette Valley, you would tell this man and he would work the machine and the man in the Willamette would understand you had lost a horse, and before the thief could reach there they would know it, arrest him before he came. You may not understand them now, but when you know as much as the white man you will.

Now as we give you the privilege of traveling over roads, we want the privilege of making and traveling roads through your country, but whatever roads we make through your country will not be for your injury.

I told you yesterday I would explain to you another Reservation, but that Reservation is for the people who live below here; there are but few of them here; and as I expect to hold a council with them when I return, and as that Reservation does not particularly interest you, I need not explain it now:

Now I want you all to talk among yourselves and think about what has been said to you, and I want you to think of it like men. When you think of it, if you say that what we have said is good and that you receive it, you can express it to us and we can soon write out the Treaty.

You are now tired you have been long time sitting, you know our hearts, and if there is anything you do not fully understand before you make up your minds come and inquire and we will explain. If any of you wish to speak now we will listen to you. Or if you can make up your minds so as to give us an answer this evening come and do so and we will be ready to receive it.

Stachas Said. My friends, I wish to show you my mind, interpret right for me. How is it I have been troubled in mind? If your mothers were here in this country who gave you birth, and suckled you, and while you were sucking some person came and took away your mother and left you alone and sold your mother, how would you feel then? This is our mother this country, as if we drew our living from her.

My friends, all of this you have taken. Had I two rivers I would be content to leave the one and live on the other.

I name three places for myself, the Grande Ronde, the Touchet towards the mountains and the Tucannon.

[fol. 125] That is all I have to say.

After a long pause—

Gov. Stevens Said. My brothers, if you do not feel inclined to speak today, we will come together again tomorrow.

We want the chiefs and the people to speak freely as Stachus has done. We will think of what Stachus has said. We could give our reasons now but we are all tired. We will tomorrow after you have spoken, state what we think. Come early in the morning and let us see if we cannot agree before night.

The Council is adjourned till 9 o'clock tomorrow.

Five Crows Said. I am as it were without thinking yet. I require time to think and then I will answer.

Council then adjourned at 4½ P.M.

Thursday, June 7th

Council met pursuant to adjournment—at 12 o'clock—Present as before.

Gov. Stevens Said. My brothers we expect to have your hearts today, let us have your heart straight out.

Lawyer Said. My friends you have been speaking to me a poor people. This Earth is known as far as it extends. This earth has red people on it and it has had as far as it extends. The people are lost, they don't think whose talk has come to us poor people. On the other side of the big water there is a large country. We also know that towards the east there are a great many different kinds of people: there are red people and yellow people and black people, and a long time ago the people that travelled this country passed on the waters. And there is that country on that other side of the big water and here is this on this side. On the other side of the big waters they have their laws. Yes, they have their laws there. We now hear the laws they have there, and we now know they have those laws there. We also know the white people pass about on

the waters as they wish to. I do not know what they find in travelling about on these waters or what they are hunting, whether it is timber, leaves, grass or what. It was the Spaniards in that direction that just travelled about in their ships, they were the ones who first discovered this country and it was in that way they travelled to look for things, in that way they travelled when they found this country; the red people that along the shores to the big waters, those were the people, and at this place they landed to see those poor people. At that place the red man started and run off, or a part of them did because they did not know the people who came to see them, and the rest come and met them, there is where the white people first placed their children when they first come into the land. From this country they took back samples of rich earth, of flowers, and all such things; they also reported that there was a country on the other side, and it was peopled and these people reported they had found a country. And it was known that there was a new country found. And one of the head men said. I knew there was a country there before. Columbus the discoverer said Can you make an egg stand on end. Although he tried he could not do it, he did not understand how, it fell over: then Columbus showed them all that he could make it stand, and he did it, he made the egg stand. After they saw it done they could all do it.

Those children that he had placed in this country among the red people, from them the blood ran on both sides: that is when the laws come into this country to those poor [fol. 126] people: there were a great many white people come back to that place; that is the reason the red people travelled off further and from that they kept still travelling on further as the white people came up to them and this man's (Delaware Jim) people are from the same people: they have come till they are here to us now, and from that country some central part came Lewis & Clark, and that is the way the white people travelled and came in here to my forefathers. Where they came into our country they named that stream Kooskooski: it was then they knew us poor people. They passed through our country and knew all our country and all our streams, and on their return my forefathers used them well: as well as they could.



From the time of Columbus and from the time of Lewis & Clark we have known our friends: we poor people have known you as brothers although we were a poor people, a people knowing nothing when we first saw the white chiefs Lewis & Clark. From these poor people there were some of them that started in that direction (east) and of these there is only one now living (Spokane Gerry) they want to be taught, they returned after they could see a little and told us about the Great Spirit; they told us the laws for the poor people; they had seen and heard them. My Chief said our old laws are poor, the new laws we are getting are good laws, are straight. We said there were these laws, the laws of the Commandments; our old laws the laws of our forefathers and the new laws we are getting shown to us and when the French and American traders first came to us they told us there were laws and those laws should be sent to us.

Ellis our Chief spoke strait for the white people, the President has sent you here to us poor people. Yes! the President has studied this and sent you here for our good. That is the reason I said on Monday use us well my Chief we are a poor people.

The Governor has said the President has sent him to take care of his children: it was you that had spoken thus my brothers (Gov. Stevens and Gen. Palmer) I want the President to see what I a poor man has said. I have got your talk here (pointing to his notebook) and although a poor man I can look at it from time to time. I can take care of that; my brother, we have been talking along time and are all tired.

I think on the stream just below where Mr. Craig lives will be a good place for one mechanic or on one of the ranches you have shown me. I also think that perhaps in the country where I live may be good place for some more of them, in case they were crowded below it would be good place where I live.

Now my friends I have spoken; those things that have been talked of, you know, I have shown you my heart. You have said to them all you had to say. I have also given you all I had to say.

Then my friends I have spoken; those things that have been talked o you know. I have shown you my heart. You

have said to them you have said all you have to say. I also have said also all I have to say.

You spoke of a road through my country (the Reserve) it is a bad country, to make roads in, but perhaps it may go through, that is the reason I think we have both talked. 'Tis all our talk. Our Father Chief has said take care of one another. There is no reason that I should speak long although I have more to say. That is the reason I say take care of us well: that is all I have to say at this time, my bretheren. I will have one word more to say when we are about to part.

Gov. Stevens. We have the heart of the Nes Perses through their Chief, their hearts and our hearts are one. We want the hearts of the other people through their Chiefs.

[fol. 127] Young Chief. Us Indians are blind the reason we do not see the earth well, the Lawyer sees clear. The reason that I do not know anything about this ground is I do not see the offer you have made us yet. If I had the, money in my hand then I would see: the country is very large is the reason this land is afraid. I wonder if this ground has anything to say: I wonder if the ground is listening to what is said. I wonder if the ground would come to life and what is on it: though I hear what this earth says, the earth says, God has placed me here. The Earth says, that God tells me to take care of the Indians on this earth; the Earth says to the Indians that stop on the Earth feed them right. God named the roots that he should feed the Indians on: the water speaks the same way: God says feed the Indians upon the earth: the grass says the same thing: feed the horses and cattle. The Earth and water and grass says God has given our names and we are told those names: neither the Indians or the Whites have a right to change those names: the Earth says, God has placed me here to produce all that, grows upon me, the trees, fruit, etc. The same way the Earth says, it was from her man was made. God on placing them on the Earth during then to take good care of the earth and do each other no harm. God said. You Indians who take care of a certain portion of the country should not trade it off unless you get a fair price.

I am as it were, blind. I am blind and igornant. I

have a heart but cannot say much, that is the reason the Chiefs do not understand each other right. They stand apart. Although I see your offer before me I do not understand it: Lawyer understood your offer and he took it I do not understand it and I do not yet take it: I walk as it were in the dark and cannot therefore take hold of what I do not see. Lawyer sees and he takes hold. When I come to understand your proposition then I shall take hold. I do not know when. 'Tis all I have to say.

Five Crows said. I will speak a few words. My heart is must the same as the Young Chief.

Gen. Palmer. We know no cheif among the Walla Walla but Pe-pe-mux-mux; if he has anything to say we should be glad to hear it.

Pee-pee-mux-mux. I thought these Indians were all the same as one, all alike (adressing the Indians he said). Why do you speak to one another? Listen to me. That is the way with your Chiefs, you white people. When you show us something then we think it good, treating us as children, giving us food. I do not know what is straight. I do not see the offer you have made to the Indians. I never saw these things with my father. My heart cried very hard when you first spoke to me, the same as if I was a feather. I flew, then I thought the same as if you were talking to a feather. I thought what will I do? I have seen everything on both sides of the river. You are all talking together, we are all talking together. If you were to separate as we are now and appoint some other time we shall have no bad minds. Stop the whites from coming up here till after this talk, not to bring their axes with them, the same as if I say my heart above.

I hope the President will not think I say or mean anything bad, there is no difficulty in sending letters about: this that I have said to you I do not know in what light you have taken it, whether I have spoken straight or wrong. The whites may travel in all directions through my country we shall have nothing to say to them providing they do not build houses on our land. Now I will speak about Lawyer.

I think my friend has given his lands, that is what I think from his words. You hear both of you what I say—it is only that I request another meeting, whenever it shall be. It is

not only by one meeting that we can come to a decision. I have listened to you in a friendly way. If you come again with a friendly message from the President I shall see them at his place, tomorrow I shall come to [fol. 128] see you, and towards evening I shall go home. You have spoken to us in a friendly way and I speak to you in the same way, slowly. Gov. Stevens and Gen. Palmer I cannot give you a direct answer, perhaps you will not think well of my words. I beg you will leave me in this way for today. Tomorrow I will give you answer. I do not know; that is all I have to say.

Gen. Palmer. I wish to say a few words to these people, but before I do so if Kam-i-ah-kan wished to speak he can do so.

Kam-i-ah-kan Said. I have nothing to say.

Gen. Palmer. I would inquire whether Pe-pe-mox-mox or the Young Chief speaks for the Umatillas. I wish to know if they are of the same heart.

Owhi. I have nothing to say about this land today. God gave us day and night, the night to rest in and the day to see, and that as long as the earth shall last, he gave us the morning with our breath; and so he takes care of us on this earth: and here we have met under his care. Is the earth before the day or the day before the earth. God was before the earth, the heavens were clear and good and all things in the heavens were good. God looked one way then the other and named our lands for us to take care of. God made the other. We did not make the other, we did not make it, he made it to last forever. It is the earth that is our parent or it is God is our elder brother. This leads the Indian to ask where does this talk come from that you have been giving us. God made this earth and it listens to him to know what he would decide. The Almighty made us and gave us breath: we are talking together and God hears all that we say today. God looks down upon his children today as if we were all in one body. He is going to make one body of us: we Indians present have listened to your talk as if it came from God.

God named this land to us that is the reason I am afraid to say anything about this land. I am afraid of the laws of the Almighty, this is the reason I am afraid to speak of the land. I am afraid of the Almighty that is the reason



of my hearts being sad: this is the reason I cannot give you an answer. I am afraid of the Almighty. Shall I steal this land and sell it? or what shall I do? this is the reason that my heart is sad.

My friends, God made our bodies from the earth as if they were different from the whites. What shall I do? Shall I give the lands that are a part of my body and leave myself poor and destitute? Shall I say I will give you my lands? I cannot say. I am afraid of the Almighty. I love my life is the reason why I do not give my lands away. I am afraid I would be sent to hell. I love my friends. I love my life, this is the reason why I do not give away my lands. I have one word more to say.

My people are far away they do not know your words, this is the reason why I cannot give you an answer now. I show you my heart, that is all I have to say.

Gov. Stevens: Now will Kam-a-ah-kan and Skloom speak. Kam-a-ah-kan. What have I to be talking about?

Gen. Palmer. We have listened and heard your Chiefs speak. The heart of the Nez perces and ours are one. The Cayuses, the Walla Walla and these other people say they do not understand us. We were in hopes we would have but one heart. Why should we have more than one heart? [fol. 129] The Young Chief says he does not see what we propose to give them. Pe-pe-mox-mox says the same. Can we bring these saws mills and these grist mills here on our backs to show these people? Can we bring these blacksmith shops, the wagons & tools on our backs to show them at this time? Can we cause farms of wheat and of corn to spring up in a day that they may see it. Can we build these school houses and these dwellings in a day? Can we bring all the money that these things will cost that you may see it. It would be more than all the horses of any one of these men could carry. It takes time to do these things. We come first to see you and make a bargain. We brought but a few goods with us to give you but whatever we agree to give you you will get.

How long will these people remain blind. We came to try to open their eyes they refuse the light. I have a wife and children, my brother has also a wife and children. I have a good home, fields of wheat, potatoes, oats, peas and beans.

Why should I leave them and come so far to see you? It was to try and do you good but you throw it away. Why is it that you do so? We all sometimes do wrong. Sometimes because our hearts are bad, and sometimes because we have bad council. Your people have sometimes done wrong. Our hearts have cried. Our hearts still cry, but if you will try and do right we will forget it. How long will you listen to this bad council and refuse to receive the light?

I too love the earth where I was born. I left it because it was for my good. I have come a long way. We ask you to go but a very short distance. We don't come to steal your lands, we pay you more than it is worth. Here in this little valley and the Umatilla valley that affords a little good land, between these two streams and all around it is a parched up plain. What is it worth to you or to us? Not one half of what we have offered for it. Why do we offer you so much? It is because our Chief has told us to take care of his red people. We come to you with his messages to try and do you good. You throw his words behind you. Why do you do it? because you have listened to bad council.

I told you the difficulties that existed between the whites and the Indians beyond the mountains. If the whites and the Indians live together here as they did there, it would be the same. Our Chief knows this and he sent us here to see you and to talk with you, this we do before there are many whites here.

Pe-pe-mox-mox- says "let us part and appoint another day". Before that day would arrive we might have a great deal of trouble. Gold has been found in the country above yours. Our people are very fond of it. When our people hear this they will come here by hundreds, among these who come there will be some bad people, those bad people will steal your horses and cattle. There are but few of you, you cannot prevent it when you are scattered over a great extent of country, you cannot prevent it: but if you are living in these reservations we can protect you and your property. Then why should you refuse to receive our talk and refuse to allow us to protect you? Your refusal to receive it is not such talk as should come from Chiefs

desirous of promoting the interest of thier people. I want you to think more of this tonight and if you act like wise men I think you will arrive at a different conclusion.

We expect to perfect the arrangements with the Nez Perces perhaps tomorrow. We have but one heart, we expect it will always remain so. We want the Walla Walls, the Cayuses and the Umatillas to unite with us and have but one heart: we want you to stop your ears against bad council and receive that which is good. We do not come among you as traders we come bearing the words of [fol. 130] our Great Chief. If you refuse to receive it our hearts will be sad. Our hearts will be sorry for these chiefs for we like them. Our hearts will be sorry and bleed for all these old men. Our hearts will be sorry and bleed for these young men. Our hearts will be sorry and bleed for these women and children.

We want to help to put food into your lodges and homes. We want to help you to get clothes and blankets to cover you from the strom; we want to help you to get arms and ammunitin to kill game; we want to open your eyes and give you light that you may see. We want to make you a good people.

Will you receive our talk or will you throw it behind you? My heart will be glad tomorrow if you come and say we are all of one heart.

What I have said is for your good: think of it. I have nothing more to say.

Cam-an-el-lo. It is true you have mercy on us. I think it is true what you have been saying: if you were to send me into a mountainous country still I would say you have mercy on us. What would I be glad for? I was glad to hear the first talk by the Governor, that was the reason I was glad to hear what they said. I would be very glad if he had said to me stop over on one side, then I would be glad.

What would I be glad about if I were to take a thing and throw it away? That is the reason my heart cries. If you would show me fine lands and I were to see them then I would be glad and go to them. How do you show your pity by sending me and my children to a land where there is nothing to eat but wood? That is the kind of land up there,

that is the reason I cry. Look at my hands! An old man. I have but them by hard work: then I ask myself have I labored in vain? What have I to be glad for?

The white man first showed me and aided me in making my garden and ever mile I have been laboring. Will God think nothing of the labor I have bestowed on my garden? Do you do this to me in pity? I am really pitiable and therefore I pray night and day till I am tired. I have no books. The Missionaries told me if I had no books I had a book in my heart which enabled me to pray to God. They told me in taking water to drink I should think of God, this I have not learned of myself, it is what they have taught me and I keep it. The laws of God are not alone for you, they are for me as well.

Woa-lish-wam-pum. I have got only two things to say. I have listened to your speech without any impression. I did not understand it. I know this. We are the same. You have life and breath you white people; we red people have life and breath. I think the old laws are straight, that they should still exist.

The Nez Perces have already given you their land. You want us to go there. What can we think of that? That is the reason I cannot think of leaving this land to go there. Your words since you came here have been crooked. That is all I have to say.

Gen. Palmer. I desire to say a few words in reply to Cam-an-pello, he says he "is an old man, he has worked hard in his garden." We have said that any man who has a garden or a field and who left it to go to this reservation should have as much improvement made there for him, or be paid for it in money as he chooses. We will go farther and say he shall have a better improvement: it shall have a better fence, be ploughed well. We will not take them there to starve, they shall live better than where they are and if there is not good land enough in the reservation to make them farms we will make it larger.

[fol. 131] Gov. Stevens Said. Although you are all tired, my friends, I must say a few words. My Brother and myself have talked straight. Have all of you talked straight? Lawyer has and his people have. And their business will be done tomorrow.



The Young Cheif says he "is blind and does not understand, What is it that he wants?

Stickuss says his "heart is in one of the three places, the Grand Fonde, the Touchet and the Tu-kan-on."

Where is the heart of the Young Cheif?

Pe-pe-mox-mox "Cannot be wafted off like a feather." Does he prefer the Yakama reservation to that of the Nez Perces? We have asked him before, we ask him now—where is his heart?

And Kam-a-ah-kan the great Cheif of the Yakimas has not spoken at all. His people have had no voice here today. He is not ashamed to speak—he is not afraid to speak—then speak out.

But Owhi is "afraid lest God be angry at his selling his land." Owhi, my brother I do not think God will be angry if you do your best for yourself and your children. Ask yourself this question tonight. Will not God be angry with me if I neglect this opportunity to do them good? Owhi says his people are not here. Why did he promise to come here to hear our talk. I do not want to be ashamed of Owhi. Owhi has the heart of his brother Teayass and his people; we expect him to speak straight out.

We expect to hear from Kam-a-ah-kan from Skloom. The papers we will have drawn up tonight. You can see them tomorrow. The Nez Perces must not be put off any longer, their business must be dispatched.

I hope the hearts of all the others and our hearts will agree. They have asked us to speak straight, we have spoken straight. We have asked you to speak straight; but we have yet to hear from you.

Gen. Palmer: This man (How-lish-wam-pum) says the reason he does not want to go to the Nez Perces' country is that they have given it to us. If he and his people go on that Reservation it will belong to them as much as to the Nez Perces. They will all be served alike, every man will have his farm, it will be his.

Pe-pe-mox-mox says we have met as friends let us say nothing that is bad, let us part friends. We have been friends a long time." I hope we shall always remain friends and as brothers. When we part we will part as friends. Then let us act as friends and as wise men.

Five Crows: Listen to me you Cheifs. We have been as

one people with the Nez Perces heretofore; this day we are divided. We the Cayuses, Walla Wallas, and Kam-a-ah-kans people and others will think over the matter tonight and give you an answer tomorrow.

Owhi: Kam-a-ah-kan is the man who is to speak about these lands. I have nothing to say about them. We will settle the matter among ourselves.

Gen. Palmer: We have heard what Five Crows has said. We want all this people to have one heart, they ought not to have two hearts. Our Great Chief looks upon them all as his children and I hope you will think on what is here said to you.

[fol. 132] Gov. Stevens: My Friends, we will meet in the morning again, we have to get through the business of the Nez Perces so that they may get home, they have a long journey before them. We shall meet as friends I hope. Your hearts and ours will be united I trust. We want every person to come early. If any person wished to speak, speak now or otherwise we shall meet in the morning.

Council met at—

Gov. Stevens Said. My friends, judging from your faces, I think you see your way clear. The paper of the Nez Perces is nearly ready and soon will be read to them. We expect that the Young Cheif, that Pee-pee-mox-mox and Kamia-kan will speak now, and we hope that with them the business may be concluded today. Let us know what they want, we are here for that purpose.

The Young Cheif Said, We have been tiring on another for a long time. We did not know our hearts, we did not understand each other on both sides, about this country. We have so many horses and cattle in this country is the reason we were troubled. Your marking out this country is the reason it troubles me so and has made me sit here without saying anything. You Americans, your forefathers are dying in your own country, as many of your people are wealthy in stock it requires a large tract to keep them. Those that have large bands of cattle marks each one a tract for himself. The reason why we could not understand you was that you selected this country for us to live in without having any voice in the matter. We will think slowly over the different streams that run through the country,

we will expose the country and think over it slowly. I cannot take the whole country and throw it to you. If we can agree this country will furnish food for the whites and for us. The whites and ourselves will be compelled to have equal privileges in getting timber from the mountains to build our houses and fences; then we shall love one another. The good of you white people is foremost, the bad is behind, it is the same with us. You embraced all my country, where was I to go, was I to be a wanderer like a wolf. Without a home, without a house I would be compelled to steal, consequently I would die. I will show you lands that I will give you, we will then take good care of each other. The reason for my uneasiness is for my stock which is running all over the country. Perhaps we will be compelled to divide with our stock, one taking one way the other another way, perhaps out there (pointing South) it would be well to draw a line to divide us. This is the reason why I think we should stop a while, that we may come to an agreement. We will see when you make another offer whether we can agree to it. Wait, we may come to an agreement when we see your offer, if any people come send good people; those of the settlers who are here now it is well they should stay. I think the land where my forefathers are buried should be mine; that is the place that I am speaking for. We will talk about it, we shall then know, my brothers, that is what I have to show to you, that is what I love the place we get our roots to live upon (meaning the Grand Ronde). The Salmon comes up the stream—that is all.

Gen. Palmer Said: My brothers, when we quit talking yesterday your minds were very much troubled, you were unwilling to go to the Nez Perces reservation. We have thought of your words. The Nez Perces have a great many horses and cattle, you too have a great many horses and [fol. 133] cattle, perhaps you might not agree together quite so well; your people appear to be much divided where to go. We asked you to give us your hearts and tell where it was, the Young Chief (We \* \* \*) has given us his heart, the Grand Ronde Valley. We have thought of the Umatillas. Many of your people died there. It is a good country for your horses and cattle. We desired first to have you go all to one place, but to show you that we wish to do you good

I will make you another proposition. I propose to designate for the Cayuses, the Walla Walla and the Umatillas—To commence on the Columbia river (this is the Columbia river pointing to the may) this is the Umatilla river, this is the Agency, this is McKay's place, this is Wild Horse Creek. Now I propose to select a reservation commencing at the mouth of Wild Horse Creek and running up this creek to the mountains to the head waters of Hou-te-nie Creek, now down that creek till you strike Mr. McKay's claim, now across from his claim to the Umatilla river, then up to the mouth of the Wild Horse Creek, leaving Wm. McKay's claim out of the reservation. This will include all your farms, your houses and gardens within the reservation. You will have sufficient grazing for your stock and land to make farms but your stock will have the privilege of grazing on any lands not claimed by the whites. If the whites should settle near to the reservation their stock might sometimes go onto the reservation while yours might go off it; if they should do so we would not want you to quarrel about it. We would build at suitable points on the reservation a saw-mill and a flouring mill; we would employ millers to attend them for you for twenty years, and by that time you would be able to attend them yourselves. We will have a blacksmith shop and employ a blacksmith for 20 years; we will have a plow and wagon-makers shop and employ mechanics for that for twenty years; we will have a carpenter and cabinet makers shop and employ mechanics for that for 20 years—we will have at least two school houses and employ teachers for at least 20 years; we will build a hospital and furnish a doctor and medicines for twenty years; we will build a good house for Pee-Pee-Mox-Mox, and a good house for the Chief of the Cayuse; we will build a house for Pee-Pee-Mox-Mox's son, we will plow and fence ten acres of land for Pee-Pee-Mox-Mox; we will plow and fence the same for the chief of the Cayuses; we will plow and fence five acres for Pee-Pee-Mox-Mox's son; we propose to do more for him and his son because he leaves his country and goes to another place. We will give him as soon as he goes down to the Dalles for it \$500, in money—we will give him 3 yoke of oxen, wagon and two plows—we also give him some other things which it is not necessary to mention. We give him a salary and also the chief of the



Cayuses of \$500 a year, in money, this to continue for twenty years—the same as is to be given to the Lawyer, the head chief of the Nez Perces. We give these salaries because they are the head chiefs, and are expected to labor for the good of their people, and in the event of the death of the head chief their successors get the salaries. Now in addition to these things we will expend fifty thousand dollars in the first and second years after the treaty is ratified. This money is to be expended in building houses, opening farms, buying teams and wagons and paying persons working for them, and in any way that the President may deem best calculated to promote their interests. In addition to this there will be expended for you eight thousand dollars every year for five years, for the next five years six thousand dollars a year, the next five years four thousand dollars a year, for the next five years two thousand dollars a year—this makes twenty years, and the amount to be expended one hundred thousand dollars (\$100,000). This amount will be expended as the President may direct; we should consult you every year as to how you wanted it paid—part in money—part in goods. You will not be required to go onto this reservation till our chief the President and his council sees this paper and says it is good; and we build the houses, the mills, and the blacksmith shop. But we want you to allow the white people to come and settle in the country anywhere outside of the reservation.

[fol. 134] The President will have this reservation surveyed and marked off, so that every man that has a piece of land will know which is his. You will be allowed to go and catch fish and dig roots the same as the whites; and if any of you people do wrong to you you are not to shoot them, but to go to the Agent. We expect the chiefs to restrain their young men from doing wrong. We have a few goods here for you, those that we give you will be in addition to these payments, we charge you nothing for them. I have given you now my heart; I have offered you more than your country is worth—more than you know how to count. How long will it take you to decide? If you say it is good the papers can be arranged tonight, tomorrow they can be signed; we would then give you these goods and you could go home with a good heart. We have been here a good many days talking—we are all tired: We commenced far

apart. it is for you to say now whether we shall come together. This I say to the Cayuses, the Walla Wallas and Umatillas—those people are all interested; Pee-Pee Mox-Mox being the first chief I want to hear from him. I have nothing more to say.

Pee-Pee-Mox-Mox said—The young chief has nothing more to say; he has said all he had to say, as if it was I that put obstacles in the way. Our hearts should not be otherwise than one. I have already spoken all that I have to say—I and Gen. Palmer this morning. They have already written all that we have said. I spoke this morning about having a little house, a place to sell my cattle on the other side of the Columbia where my cattle range for a trading post when the Americans pass. I have nothing to talk about; I have only a few words more. I said to Gen. Palmer that I desired permission to get fish there while I lived; when I learn that the house is made, (meaning the reservation) then I shall go there: when we have settled all things then you have your presents for these Indians. Now that we have made up our minds if you think proper you may give us some provisions; sometime tomorrow in the afternoon we will go home; you are now tried—that is all I have to say.

Gen. Palmer Said:—That we have agreed that Pee-Pee-Mox Mox shall have the privilege of building a house at the mouths of the Yakima and catching fish for five years. I should like to have all the chiefs and head men of the Umatillas, Cayuses and Walla Wallas and also the name of every man on this paper that the President may see every man's name and know that they have given their consent.

Gov. Stevens Said:—My friends. I am glad Looking Glass one of your chiefs is coming, he is a friend of Kamiakun; we have now got nearly round the circle; our hearts are almost together; I call upon Kamiakun to say whether we shall get entirely around. My friends, Looking Glass is close by:—he has come way from the Blackfeet—the buffalo country across the mountains; there is war; here is peace and friendship let his first glance be upon you sitting here; when he is close by two or three of us will go and take him by the hand and set him down by his chief in

the presence of his friends Kamiakun. Let us now have Kamiakun's heart.

Kam-iah-kan Said: The place that I am from there are but few Indians—all have gone to the Calapooya country. Some are at Nisqually and some at Taih—that is the reason I have deferred speaking till I see my Indians. I wish the Americans to settle on the wagon route; we do not confine them to the road; they may settle about the road so that the Indians may go and see them. I do not speak this of myself it is my people's wish. Owhi and Teias and the chiefs. I, Kamiakan do not wish for goods myself. The forest knows me, he knows my heart he knows I do not desire a great many goods. All that I wish is for an Agent, a good Agent who will pity the good and bad of us and take care of us. I have nothing to talk about. I am tired, I am anxious to get back to my garden. That is all I have to say.

[fol. 135] Joespeh, Nez Perce: These are my children (looking around). I see them all sitting there: talking slowly is good. It is good for old men to talk straight; talk straight on both sides and take care of one another. It is not us, it is those of our children who come after us. It is good for the old people to talk together good and straight on account of our children on both sides to take care of each other till the last day, without speaking I am going. It is not anything bad that I am thinking that I am going without speaking, no, it is not anything bad, it is a place to live, a place for our good to live there. Think for year after year for a far way ahead. I wonder what you think if I could see your thoughts. It is not that there is anything bad that I speak. I hear you speaking to my children, and they have many hearts. I am going without talking and you don't know my talk. At the Grand Ronde I say my children on both sides; we have been talking and finished your talk; this is all I have to say.

Gov. Stevens Said. If anybody else wishes to speak we shall be glad to hear them.

Red Wolf Said: I have only one or two things to speak;—I want Mr. Craig to stay there in the Nez Perce country, and not go away. The reason why I wish Mr. Craig to stay there is because he understands us—he speaks our language

well; when there is any news that comes into the country we can go to him and hear it straight; the same for us when anybody comes to speak to us he will sit down with us and we understand them. It is good for him to stay there to interpret on both sides so that each can understand the other.

Gov. Stevens Said: We wish to hear from Skloom, one of the Chiefs of the Yakimas.

Skloom said: What I have to say is about this the earth; It is long since the earth was made and the trees were made to grow out, and there was one there, a very small boy, I do not know what he knew but he took an axe and cut a tree, and marked it as if he has made a watch, he went to the tree and looked up and saw a star, he took a line and measured the land from that tree; all the land he had measured he plowed; about half way on the line he threw the tree across. For this country that he had plowed up he got \$800 for each mile: That is the reason the Indians like the place where they have their garden; for the reason there was such a price paid for them; the land uncultivated where there are no gardens is not worth so much, it might be sold for forty dollars a mile. Why should I speak a great deal? We are not bargaining for lots; you know your own country above, you select your piece of land and pay a price for it. There it is the same and have choice. My friends, I have understood what you have said; when you give me what is just for my land you shall have it. This is all I have to say.

Gov. Stevens Said: I have a word to say in answer to the remarks of Skloom Proposals have been made for the lands of the Yakimas and their neighbors; a place has been pointed out for the Indians to live in; outside of this place the gardens and farms are to be paid for in money at a fair value. The price paid will probably be a good deal more than the price he has mentioned for those gardens. I say to Skloom, we do sell good lands for eight hundred dollars a mile, but not in this country. We do not expect to sell any of this land. Skloom probably knows that. I ask Kamiahkin and I ask Skloom, make your own propositions. I also say to Owhi, let us know what you think your lands are worth and where you want your home. We shall meet again in the



morning, I want Kamiakun and his chiefs to make their own proposition. Looking Glass is coming. We shall meet tomorrow morning.

[fol. 136]

Saturday, June 9th

The Council opened at 2 o'clock P.M. when Gov. Stevens Said:

My Friends, Today we are all I trust on one mind. Today we shall finish the business which brought us together. Yesterday the Yakamas had not made up their minds fully. Today they and ourselves agree; the papers have been drawn up. A paper for the Nez Perces: they live on one Reservation. A paper for the Walla Walla, Cayuses and Umatillas, they have their Reservation on the Umatilla. And a paper for the Yakamas, they have their Reservation. These papers engage us to do exactly what we have promised to do.

My brother explained yesterday to the Walla Walla, Cayuses and Umatillas what would be given in their paper. It has been given to them in the paper.

In the paper for the Yakamas we have included the tribes who acknowledge Kam-iah-kan for their head chief. The Pishone, the Swan-wap-um and Palouse, the Yakamas, and all the band on the Columbia below the Walla Walla down to the White Salmon River. They have their reservation and fishing stations which they well know and which I understand is satisfactory.

The Nez Perces have their reservation as was shown them in Council and in the paper everything was set down which was promised them. They all know what was said.

The money, the payment intended for the Nez Perces, the Walla Walla, the Cayuses and Umatillas has been divided. We have given two parts of a \$150,000 to the Walla Walla, Cayuses and Umatillas. We have given the Nez Perces three parts or \$200,000.

In the Yakama reservation we have not placed as many tribes as we expected. We have thrown out the Okanahgus and Colvilles and the Tribes below the White Salmon. Their numbers are about the same as the Nez Perces. We have given them the same amount. There is the paper for the Nez Perces (holding up), here is the paper for the

My brother will show the paper for the Walla Walla, the Cayuses, the Umatillas.

It is stated first in all the papers the Indians who signed the paper then your lands are described. We have got the descriptions from yourselves. Then your reservations are pointed out, those you all know.

You will not be called according to the paper to move on the Reservation for two or three years: then is secured to you your right to fish, to get roots and berries, and to kill game: then your payments are secured to you as agreed: then your schools, your shops, and physician and the other things we have promised you are secured: then the salaries, the houses and the ten acre farms of your chiefs are secured to him.

Then there is another article if any of you get into debt then payments cannot be taken for your debts, every Indian must pay his own debts.

Then you promise next to be friendly with other tribes and the whites.

Last you are to drink no whiskey and do all you can to prevent others doing it: and also those who drink whiskey will not be paid their annuities.

I have thus given the substance of the different Treaties. Shall it be read over in detail? You have already heard it not once but two or three times. It can be read over Article [fol. 137] by Article and the Interpreters can state to you whether it is what you are promised. If there is anyone present who wishes to speak let him do so before we go on with this business. Let Looking Glass speak.

Looking Glass said. I am now going to speak. From those who have been speaking, they have been listening to us from above and from the ground. A long time ago the Great Spirit spoke to my children. I am from the body of my parents and I set on a good place. The Great Spirit spoke to his children the Laws, will track on the ground strait and after that there have been tracks on my ground and after that the big Chief, the President, his ground was stepped on in the same way and for that reason I am not going there to trouble on his grounds and I do not expect anyone to tramp on mine.

I have great respect for my friends, he sees your eyes and

your hearts, and that is the reason all this people are his children. Why do you want to separate my children and scatter them all over the country? I do not go into your country and scatter your children in every direction.

It is for me to speak for these people my children, that is what I say. The Big Chief speaks to his children and I also speak to my children and tell them what to do: and that is what we are talking about: you see where the Sun is. I never go where the white are and mix with them and talk with them.

I am already named from above, by the Supreme Being, my heart is with the country. I live upon and head, that is the reason my heart tells me to say where my children shall go. I want you to look well to what I have shown you.

I want to know if an Agent will stay up in my country?

Gov. Stevens. As long as there are people.

Looking Glass. Will the Agent be there that long to keep the whites from pushing into our country?

Gen Palmer said. Certainly.

Looking Glass. Will you mark the piece of country that I have marked and say the Agent shall keep the whites out?

Gen. Palmer. None will be permitted to go there but the agent and the persons employed, without your consent.

Looking Glass. It is not for nothing I am speaking to my chiefs, it is to talk straight, it is just as if I were to see the President and talk to him it would be straight, that is just what I want, that you talk straight from the President. Look at my talk. I am going to talk straight. When I hear your talk it goes to my heart. I am not like those people (pointing about) who hang their heads and say nothing. We will have a short talk, not a long one. (after a silence of a few minutes the)

Young Chief Said. That is the reason I told the Governor to let it be till another time, till we know what the Looking Glass would say. I heard that Looking Glass was coming.

Governor Stevens. I will say to the Young Chief, let Looking Glass have time to think, he is thinking now in order that he may speak, he will speak straight and from his heart. We will wait now till we have heard Looking Glass speak.

[fol. 138] Looking Glass. The line of the Cayuse Reser-

vation will be where the trail crosses the Walla Walla, thence in a straight line to the Umatilla below William McKay's house, from thence north of the butte, straight to John Day's River. The reason why that shall be the line is that they want more room for their horses and cattle. (After a pause of a few moments he continued). By what time will you build the mill?

Gov. Stevens. They year they move on, when the President approved the Treaty.

Looking Glass. Yes! Now we will talk. We have talked before. You said you would sent this talk to the President and if he says yes, then it is right. Yes. And I will listen to what the President says and if he says yes, then we will talk.

Billy. This is just putting it off further and making us more tired. You have no pity on us.

Three Feathers. We cannot understand back here. Why don't he speak louder. Looking Glass is speaking, we look upon him as a Chief.

Billy. I thought we had appointed Lawyer our head Chief and he was to do our talking, that is the reason why I have spoken.

Gov. Stevens. I will say to my brother the Looking Glass that everything we say and do is sent to the President. What Looking Glass has said and what I say now goes to the President, but can I send anything to the President unless you agree to it? Can the President act? We have met that we may agree upon something then it goes to the President. The President has sent me and my brother to make this very agreement. We must agree upon something then it goes to the President and if he thinks it is good then he approves of it. I ask Looking Glass to look upon it and see that it cannot be done any other way.

Gen. Palmer. Our great Chief, the President, directed me and my brother to come here. We have been here nineteen days, we have been talking a great deal. That talk has been for your good. We came here to talk straight, we have shown you our hearts, we will not lie to you. Yesterday we made a bargain with the Cayuse, the Walla Wallas and the Umatillas and the day before with the Nez Percés. The Looking Glass was not here but we did not forget him.



We know that when he understands it all he will say yes. This morning we made a bargain with the Yakamas, they with these others all say yes. We expect the Looking Glass and his people will all say yes. We have told these people and it is so said in the paper that their horses and cattle would be allowed to graze outside of the reservation the same as our people when it was not occupied by whites. If we change the line to where he says we would have to stay here two or three days more to arrange the paper. We are all tired. You are tired. Shall we say one thing today and another thing tomorrow?

They have said yes! My heart says yes to the line that was shown yesterday and today. All things will be done as we told you. Shall we do so. My heart says yes. I have nothing more to say.

Looking Glass. Yes! Let it be so.

Eagle from the Light. When I spoke to you before I said that I should speak slowly and I have been thinking about what to say, but I don't know yet what to say. These people have been talking among themselves as though there was two and when I heard what they had to say I said very well: let us go as two.

[fol. 139] Looking Glass. What I showed these people when I came here. I spoke beyond it (referring to the map) and you have said that this talk you would send to the President and he will see it.

You see my body it is not divided, it is one body as these are all my children (pointing about). They have all got horses and cattle that is the reason I made it larger.

I want you to talk plain just like the light and then I will say yes. That is all I have to say now.

Gov. Stevens. I will ask of Looking Glass whether he has been told of our council. Looking Glass knows that in this reservation settlers cannot go, that he can graze his cattle outside of the reservation on lands not claimed by settlers, that he can catch fish at any of the fishing stations, that he can kill game and can go to Buffalo when he pleases, that he can get roots and berries on any of the lands not occupied by settlers. He knows what the Reservation is: that we promise him two mills, a saw and a grist

mills, two schools and a blacksmith; that we give him a physician, and all the other things that have been spoken of; the people all know it, it has been read over two or three times.

This reservation is in his own country. I ask Looking Glass is not this talking straight? We send all this to the President and besides this we pay a certain sum of which you all know: we have been looking for him ever since we have been here: Lawyer will recollect that I have been enquiring when will Looking Glass come? We wanted him to come.

Those who go to the Buffalo are all my children. I am going to see the Blackfeet next moon. The Blackfeet had stolen some of his horses, but he got them back again. I heard the story last night. He killed some of their men. I know that Looking Glass wants me to go and make peace in that country. Let us first agree here.

Gen. Palmer. We buy your country and pay you for it and give the most of it back to you again.

Looking Glass. You have said to me that the whites shall not go over that line, none shall go into that country and this you said and it is said: And you will show to the President what we have said.

Gov. Stevens. I understand Looking Glass has consented with the other Chiefs. The papers are now ready to sign: here I will particularly speak to Kamahkan or the head Chief of the Yakamas. Are you ready?

Young Chief. What the Looking Glass says, I say.

Gov. Stevens. I ask you whether you are ready to sign?

I stated that whatever the Looking Glass said and we said would go to the President. We agreed upon a line yesterday and the day before. The papers are drawn: we ask are you now ready to sign those papers and let them go to the President.

Looking Glass. That he said yes to his line.

Gov. Stevens. Looking Glass is satisfied with the Nez Perce line, the young Chief and Pe-pe-mox-mox yesterday agreed to the Umatilla reserve.

Lookings Glass. I said yes to the line I marked myself, not to your line.

[fol. 140] Gov. Stevens. I will say to the Looking Glass, we cannot agree.

Gen. Palmer. I would say to the Looking Glass, what use is it to purchase his country and give it all back again. We did not come here to talk like boys. We don't wish to part with a misunderstanding.

The Nez Percés, the Walla Wallas, the Cayuses and the Umatillas agree to the boundaries as we have marked. Do you wish to throw all we have said to you behind you. Shall we like boys say yes today and no tomorrow? Pe-Pe-mox-mox, Young Chief and the Nez Percés say yes! None of their people say no! Why do we talk so much about it? I have done.

Young Chief. The President is your Chief and you do what he tell you. That is the reason the Looking Glass marked out the line he wanted: he is the head Chief.

Looking Glass. It was my children that spoke yesterday and now I come and hear them speak. I asked my children what was their hurry? They knew that I was coming. Why did they run and speak till I came: that is the reason I marked it bigger. I wanted to talk with you and have you talk with me. And after that. Your talk and my talk will go to the President.

Gen. Palmer. I will say to my brother that I did not know that he was absent when we made our minds to come here and set the time. My brother and myself come here and we come a long way. We have been here a long time. We were not in a hurry, these people wanted to go home, they had fields of wheat, and of potatoes, the weeds were growing up, they wanted to go home, there was no one at home to take care of the fields. We have other persons to see besides these.

My Brother has to go to the Blackfoot country and make peace. He wanted to say to them. You shall not steal these peoples horses: you shall not make war upon them: these are the reasons we talk. We talk because our Great Chief told us.

These papers have not been signed, they had not forgotten him nor had we. Shall all our efforts to protect them be destroyed? Shall our talk be thrown away? If the Looking

Glass is a Chief I hope he will act as a Chief acts for the good of his people.

If we were to say yes to his line our Chief would say no! but if we shall say the line we have marked we believe our Chief will say Yes. Which will you do, take that line or have it all thrown away? Let us act like wise men and not part without doing good for each other.

Looking Glass. I am not going to say any more today.

Gen. Palmer. If the Nez Percés are not ready they can talk among them selves and come tomorrow.

If the Cayuses, the Walla Wallas and Umatillas are ready to do what yesterday they said they would, then the paper is ready for them to sign, and tonight they can get their goods and go home when they please.

The paper is also ready for the Yakamas if they choose to sign it they can do so.

Gov. Stevens. The Council will now adjourn till Monday morning and I trust by that time Looking Glass will have thought the matter over and we will be able to agree.

[fol. 141] Monday, June 11th

Council opened at 11 o'clock.

Gov. Stevens said: My children, we have met today for the last time. Every man here present has agreed to a treaty in council. The Nez Percés agreed to a treaty. Not one man spoke against it. All agreed that the head Chief would speak for you. You were all called upon to speak. I called upon Joseph to speak and he spoke: "I have a good heart," says Joseph, "what the Lawyer says let it be."

The Eagle-from-the-light said, "the head chief Lawyer had spoken so be it."

The Red Wolf said, "what the Lawyer has said be it so, he is our head Chief."

Said U-ute-sin-ma-le-kin "my Chief has spoken for me." Every man said, I say again, "Lawyer is our Chief." "I agree to the treaty." So said the Cayuses, the Walla Wallas, the Umatillas and the Yakamas. The Young Chief and Stick-uss said, "we pledged our words, we agree."

We all expect that you all will do what you promised to do. We don't believe you will break your word and make us ashamed o you. I don't believe we shall have to say



to the President, "you have promised, and then broke your promise."

No! We know what you will keep your word. First the Nez Perces, -I shall call upon Lawyer the head Chief, and then I shall call on the other chiefs to sign.

Will Lawyer now come forward. (he then came forward and signed the Treaty) Now I call upon Looking Glass and Joseph to sign the Treaty. (After they affixed their names James and the other chiefs and head men put their names to it.)

Gov. Stevens: My Brothers, the Treaties have now all been signed. They will be sent to the President. All the speeches on both sides will be sent to the President. The President will see that everything has been fairly explained and agreed upon between us. He will see that you have all acted like men here. He won't find any fault even with Looking Glass.

Looking Glass came back after a long absents and asked time to look at the treaty. Time was given him to think it over. He was satisfied and we find his name next to his head Chief's.

I think the President will approve what we have done. We will let you know when we hear from him, which will be sometime next year.

We have some few presents to give you which will be distributed upon your leaving the ground. They are designed for those who need them most. You will dispose of them in that way.

Thenceforth you will have me for your Great Chief, Mr. Tappan for your Agent, and Mr. Craig for your interpreter.

The Yakamas will have Mr. Bolon for their Agent. The Walla Walla, Cayuses and Umatillas will look to Gen'l Palmer hereafter.

There is another point which I wish to speak about from my heart. It is the Blackfoot Council. My Brother, the Looking Glass, knows that we want peace on those Buffalo plains. You all know it. I think I can make peace there. [fol. 142] Nez Perces: Nearly one fourth of your people live there. I want some chiefs of courage and character, and one hundred of your braves to go to that council. I say to Lawyer, the head chief, of the Nez Perce's, I would

be glad to have him go, I would be glad to have Looking Glass go. Arrange this among yourselves. I hope and trust that Mr. Craig will go with you.

The Cayuses, Walla Walla, Umatillas, and Yakamas, I would like to have some of them also.

We shall have chiefs and braves from the Flatheads, the Cour de lains, Coo-too-mey's and I hope from the Spokanes. The Blackfeet have promised to meet you there in Council and when we meet there will be peace among you. Think this matter over and decide for yourselves.

Gen'l Palmer: My brothers, I wish to say a few words before we part. When we came here we didn't know the hearts of your people. We have been together a long time and have talked a great deal. We have listened to what you have said, and you have listened to what we have said—you have sometimes been afraid that we were not working for your good. Your willingness to come forward and sign the Treaty is evidence that you have decided that we intended to do you good. We have shown you our hearts and you have shown us yours. We commenced a long way apart but now we are together. We are one. I hope we shall always remain as one and have but one heart.

From this time we expect that we and you will always be at peace. We not only want you to be at peace with all whites but we want you to be at peace with yourself. We didn't come here to divide you or to induce one to be against another. Why should you be at war with each other? You may live at separate places, but your hearts would be as one and help each other. The chiefs and old men should give good council to their young people. The young men should listen to the old men and be advised by them. The young people should strive to assist the old people. Take care of them. It is the duty of the old people when they see these boys act foolish to council them. It is the duty of all to take care of your women and children, furnish them with food and with clothing.

I say again! Take care of your old people, supply their lodges with provisions, for you will soon be old yourself and will need help.

We expect you will all leave this ground with good hearts and if there are any among you that have bad hearts, advise

them to throw them away. If your people are foolish and the wrong it is your duty as chiefs to punish them for it. We shall try and prevent the whites from doing wrong to the Indians. And you must prevent your people from doing wrong to the whites.

The Treaty provides that if an Indian steals the property of the whites it may be paid for from the annuities. It also provides that if your people steal other tribes it will be paid for in the same way. We also provide that if the whites take the property of an Indian it must be paid for. The Agent who is the proper person to apply to in case an injury is done you and when any of your people do wrong to the whites, then it is the duty of the chiefs to punish the offender. If one does wrong to an individual he is not to redress his own wrong but he is to submit it to the chiefs or his council, or to the Agent and abide by their decision. It is to be hoped that your people will do no wrong. Let us try and prevent it if we can. We expect the chiefs to look to this and if there is any of their people who have stolen property and have it on hand it is my heart they should give it up to the Agent, and the Agent will do all he can to return your property.

We have, my brother, told you that we had a few goods to give you. Your people are not all here to receive them. We have been here a long time and can't remain to see you all. We shall therefore give these goods into the hands of the [fol. 143] chiefs and we expect the Head Chiefs to call his chiefs and see them distributed justly.

My Brother, Gov. Stevens, will furnish the Nez Perce's with goods. Mr. Thompson and myself will furnish the Cayuses, Walla Wallas and Umatillas with goods. And when we get through talking the head chiefs of the Cayuses, Walla Wallas, Umatillas will go receive the goods and take care of them.

We have not got a great many goods but when this paper goes to the President and he says it is good then we will supply you with other goods, and we shall do all things that we have agreed upon. Mr. Thompson will be the Agent for the Cayuses, Walla Wallas, and the Umatillas.

When we part we will all go to our homes with good hearts towards each other. When we have built the blacksmith shops, saw mills, and chiefs home and other things we have

agreed to. Then we expect you will go upon the reservation, and when you go and if you leave your little farms and improvements they will be valued and you will be paid for them.

I shall go home with a good heart towards all your people, and I shall be very sorry if I hear your people have done wrong. I have nothing more to say at present.

If any of you have anything to say we are ready to listen to you.

Gov. Stevens: I will say to the Nez Perce's, I hope to visit them in their own country when I come back from the Black-foot Council. I hope also to visit the Yakamas on my return.

The Cayuses, Walla Wallas and Umatillas will look to Gen. Palmer hereafter. They will also look upon me as their friend.

Tin-tin-meet-see: I understand you well. We are never the beginners in doing wrong to the whites. All Indians here understood well what has been said. When your white children come into this country they do things at random. (to the Indians) You have heard all that has been said and now let us go home and do right.

Eagle of the Light: My forefathers are dead, I only am left, there is but the encampment remaining, it is good to hear and think of each other. We have heard good words spoken from the President to take care of us poor people well. His children's way you have come here to see. For days our bodies have been together, also the night and also for years, also for winters. You have shown that he likes his red children. I do not want our hearts to come together wrong, but right, and remain so as long as we are a people, and we will stop the bad people on both sides. The Lord will reward us both when our hearts are good that we will look and care for each other,—The old and the young will go right and then all will be right—from little could come great difficulties—that is the reason we speak from small things to big ones—that is all at present.

James Said: It is not from anything bad that I have not spoken. It is as though the man I speak of is not of the party. When the white people came to my country Mr. See told me when he came there he was coming for good and not



for bad. When the white people come and they would come in great numbers do not do anything bad to them. I have never done bad to them. I wish Mr. Craig to stay with us and hear the Indians speak for he could speak to our people and they could understand him—therefore I wish him to stay.

REd Grizzly Said: I like your talk—you talk well. When you have finished I like it still, this you have brought us [fol. 144] from the President. I like that talk my friends. From the time I spoke here I have been sick at heart. This man who has just now spoken, he spoke a little longer because he knows how to speak and there is also another who has just come, the Looking Glass, they speak straight and friendly. You have also spoken friendly, and shown them your heart plainly—not that I am a good man that I like it. My heart is glad as though I see your heart when I hear your words. What I have good to speak I have not spoke yet. (here he was interrupted by the Indians when the Red Owl said the young chief wished to say that he wanted you to stop the whites from taking their horses or cattle and if my horses go across the line of the reservation which is a small one I do not want these horses and cattle to be taken off because they are over the line.)

Gen. Palmer said: My brethren. This man has said from little things grown great ones. It is true, it is so—a single word spoken unkindly leads to a difficulty. It would be better if we always would not do or say bad things, but if little things are done wrong we should try and forget them. I have been told that here are sometimes difficulties among the Indians in reference to their mode of worship. That is a thing that we do not interfere with. We are willing to let the people worship God as they please. We do not say do this or do that. If their heart is to sing or pray and preach it is good, if others say it is not our heart to pray and to preach it is good, but we want all people to be good people. If those who sing and pray think it is good, let them to try to convince others. Talk kindly, treat them kindly and convince them they will do right. Some will worship one way and some will worship another—do not quarrel about it but worship or not worship, we want you to have good hearts I have done.—

Looking Glass Says:

As so many are now working, some other time you and I will have a heart. I have a good head and a good heart, by and by we will have a talk.

Council Adjourned sine die at three o'clock.

We hereby certify the above to be a true record of the proceedings.

SS James Doty, Secty. to Treaties in W. Terry. SS  
Wm. McKay, Secty. to Treaties in O.T., Office of  
Indian Affairs, District Office III, Portland 18, Oregon.

Approved, Isaac Stevens, Gov. & Supt. W.T.; Joel Palmer,  
Supt. Ind. Affairs for O.T.

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## APPENDIX C

## TREATY WITH THE WALL WALLA, CAYUSE, ETC., 1855

ARTICLE 8. The confederated bands acknowledge their dependence on the Government of the United States and promise to be friendly with all the citizens thereof, and pledge themselves to commit no depredation on the property of such citizens, and should any one or more of the Indians violate this pledge, and the fact be satisfactorily proven before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the Government out of their annuities; nor will they make war on any other tribe of Indians except in self-defense, but submit all matter of difference between them and other Indians, to the Government of the United States or its agents for decision, and abide thereby; and if any of the said Indians commit any depredations on other Indians, the same rule shall prevail as that prescribed in the article in case of depredations against citizens. Said Indians further engage to submit to and observe all laws, rules, and regulations which may be prescribed by the United States for the government of said Indians.

## APPENDIX D

## ENABLING ACT

AN ACT TO PROVIDE FOR THE DIVISION OF DAKOTA INTO TWO STATES AND TO ENABLE THE PEOPLE OF NORTH DAKOTA, SOUTH DAKOTA, MONTANA, AND WASHINGTON TO FORM CONSTITUTIONS AND STATE GOVERNMENTS AND TO BE ADMITTED INTO THE UNION ON AN EQUAL FOOTING WITH THE ORIGINAL STATES, AND TO MAKE DONATIONS OF PUBLIC LANDS TO SUCH STATES.

(Approved February 22, 1889.)  
(25 U.S. Statutes at large, c 180, p 676.)

\* \* \* \*

Sec. 4. That the delegates to the conventions elected in provided for in this act shall meet at the seat of government of each of said Territories, except the delegates elected in South Dakota, who shall meet at the city of Sioux Falls, on the fourth day of July, eighteen hundred and eighty-nine, and after organization, shall declare, on behalf of the people of said proposed states, that they adopt the Constitution of the United States; whereupon the said conventions shall be, and are hereby, authorized to form constitutions and state governments, for said proposed states respectively. The constitution shall be republican in form and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said conventions shall provide, by ordinances irrevocable without the consent of the United States, and the people of said states: -

First. That the perfect toleration of religious sentiment shall be secured and that no inhabitant of said state shall ever be molested in person or property on account of his or her mode of religious worship.



Second. That the people inhabiting said proposed states do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes: and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the congress of the United States; that the lands belonging to citizens of the United States residing without the said state shall never be taxed at a higher rate than the lands belonging to residents thereof; that no taxes shall be imposed by the states on lands or property therein belonging to or which may hereafter be purchased by the United States or reserved for its use. But nothing herein, or in the ordinances herein provided for, shall preclude the said states from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of congress containing a provision exempting the lands thus granted from taxation; but said ordinances shall provide that all such lands shall be exempt from taxation by said states so long and to such extent as such act of congress may prescribe.

Third. That the debts and liabilities of said Territories shall be assumed and paid by said states respectively.

Fourth. That provision shall be made for the establishment and maintenance of systems of public schools, which shall be open to all the children of said states, and free from sectarian control.

## APPENDIX E

## WASHINGTON STATE CONSTITUTION

## ARTICLE XXVI

## COMPACT WITH THE UNITED STATES

The following ordinance shall be irrevocable without the consent of the United States and the people of this state:--

First. That perfect toleration of religious sentiment shall be secured and that no inhabitant of this state shall ever be molested in person or property on account of his or her mode of religious worship.

Second. That the people inhabiting this state do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries of this state, and to all lands lying within said limits owned or held by any Indian or Indian tribes; and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the congress of the United States and that the lands belonging to citizens of the United States residing without the limits of this state shall never be taxed at a higher rate than the lands belonging to residents thereof; and that no taxes shall be imposed by the state on lands or property therein belonging to or which may be hereafter purchased by the United States or reserved for use. Provided, That nothing in this ordinance shall preclude the state from taxing as other lands are taxed any lands owned or held by an Indian who has severed his tribal relations, and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of congress containing a provision exempting the lands thus granted from taxation, which exemption shall continue so long and to such an extent as such act of congress may prescribe.

Third. The debts and liabilities of the Territory of Washington and payment of the same are hereby assumed by this state.

Fourth. Provision shall be made for the establishment and maintenance of systems of public schools free from sectarian control which shall be open to all the children of said state.

## APPENDIX F

## WASHINGTON STATE CONSTITUTION

## ARTICLE XXIII

## AMENDMENTS

1. HOW MADE. Any amendment or amendments to this Constitution may be proposed in either branch of the legislature; and if the same shall be agreed to by two-thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the ayes and noes thereon, and be submitted to the qualified electors of the state for their approval, at the next general election; and if the people approve and ratify such amendment or amendments, by a majority of the electors voting thereon, the same shall become part of this Constitution, and proclamation thereof shall be made by the governor: Provided, that if more than one amendment be submitted, they shall be submitted in such a manner that the people may vote for or against such amendments separately. The legislature shall also cause notice of the amendments that are to be submitted to the people to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state: Provided, That failure of any newspaper to publish this notice shall not be held as affecting the outcome of the election.

[AMENDMENT 37]

Approved Nov. 6, 1962

## APPENDIX G

WASHINGTON STATE CONSTITUTION  
ARTICLE I

S 29 Constitution Mandatory. The provisions of this Constitution are mandatory, unless by express words they are declared to be otherwise.



## APPENDIX H

UNITED STATES CODE  
TITLE 18  
CHAPTER 53

## S 1151. Indian country defined

Except as otherwise provided in sections 1154 and 1156 of this title, the term "Indian country," as used in this chapter, means (a) all land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

## APPENDIX-I

HEARING ON H.R. 1063  
BEFORE THE  
SUBCOMMITTEE ON  
INDIAN AFFAIRS OF THE  
COMMITTEE ON INTERIOR  
AND INSULAR AFFAIRS  
EIGHTY-THIRD CONGRESS  
FIRST SESSION  
June 29, 1953

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Chief Counsel, Bureau of Indian Affairs;	12
Accompanied by	
WILLIAM R. BENGE,	
Chief, Branch of Law and Order.	

1. Page references indicate pages of the typed transcript of the hearing as shown in the text at the right margin.

H. R. 1063

Monday, June 29, 1953.

House of Representatives,  
Subcommittee on Indian Affairs,  
Committee on Interior and  
Insular Affairs,  
Washington, D. C.

The subcommittee thereupon proceeded to the consideration of H. R. 1063, Honorable E. Y. Berry (chairman) presiding.

Mr. Berry. We will next take up H. R. 1063.

STATEMENT OF HARRY A. SELLERY, JR., CHIEF  
COUNSEL, BUREAU OF INDIAN AFFAIRS

Mr. Sellery. Mr. Chairman and members of the committee, H. R. 1063 is a bill to amend Title 18 of the United States Code entitled "Crimes and Criminal Procedure" with respect to State jurisdiction over offenses committed by or against Indians in the Indian country and to confer on the State of California civil jurisdiction over Indians in that state.

The State now lacks jurisdiction to prosecute Indians for most offenses committed on Indian reservations or other Indian country as defined in Title 18, section 1151 of the United States Code, except in the case of the Agua Caliente Indian Reservation. State criminal jurisdiction over this one reservation was previously conferred.

The United States district courts have a measure of jurisdiction over offenses committed on Indian reservations or other Indian country by or against Indians, but in cases of offenses committed by Indians against Indians that jurisdiction is limited to the so-called ten major crimes listed in section 1153 of Title 18, United States Code. As a practical matter, the enforcement of law and order among the Indians in the Indian country has been left largely to

the Indian groups themselves, and in California they are not adequately organized to perform that function. Consequently, the Department believes there is a serious hiatus in law enforcement authority

that can best be remedied by conferring criminal jurisdiction on the State, and the Indians of California have also reached a stage that makes desirable the extension of State civil jurisdiction to the Indian country in that State.

At the direction of the Commissioner of Indian Affairs, the Area Director of the Bureau of Indian Affairs at Sacramento, California, consulted with the various Indian groups on a legislative proposal similar to H.R. 1063, and none of them have indicated any opposition to the enactment of a bill such as this. The Hoopa Valley Indians, comprising the largest single group within the State, have adopted resolutions favoring the proposal to confer civil and criminal jurisdiction on the State. Representatives of other groups have done likewise. The California Legislature has memorialized Congress in favor of this legislation and certain other legislation not before us this morning.

The Department recommends that the bill be recast in a form which is attached as a substitute bill which would, we believe, assist in the codification in this bill of the existing sections of the civil and criminal codes of Title 18 for the criminal aspects and Title 28 of the judicial code for the civil aspects. If this type of bill is adopted, we hope it may be a prototype and it will be possible to add Indians in other States in the code so that, from the point of view of an attorney looking into this matter, he will be able to

determine more readily, we believe, than otherwise would be the case what the State civil and criminal jurisdiction may be with respect to Indians of a particular State.

You will observe, for example, on page 2 of the draft substitute bill that in the case of California, the Indian country affected is that within the Federal-State civil and criminal jurisdiction, which will no longer obtain, as the



State is given jurisdiction over all of the Indian country within the State.

It appears in the case of some of the other criminal and civil jurisdiction bills that the Department will recommend to the Congress that certain reservations be excepted where law and order are regarded as adequate and where the tribe affirmatively indicated its preference for confirmation under its law and order code. But this prototype form we believe will assist in cases of civil and criminal jurisdiction as showing quickly at places in the code where we believe it will be most helpful to attorneys and others what Indian country, if any, may be excepted from State civil and criminal jurisdiction.

It may also be observed that there are provisions in the bill which will, we believe, protect the rights of Indian groups without special recognition from the Congress in the form of a treaty, agreement, or statute with respect to hunting, trapping, or fishing or control of licensing and the regulation thereof, and with those protections both on the

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criminal side and the civil side in the bill it would mark a definite step forward in the inclusion into the general body of the people of the Indians of that particular State with respect to civil and criminal jurisdiction, so that they will be subject to the same laws and the same rules as the other citizens.

The Department has recommended that the bill be adopted, but the suggestions of the substitute bill are intended to be of assistance in the uniform treatment of this and other bills.

In order to have it absolutely uniform with respect to California, it is recommended that section 1 of the Act of October 5, 1949, which conferred on the State of California civil and criminal jurisdiction over the land and residents of the Agua Caliente Indian Reservation, be repealed so that there will be the same rule applicable to all Indians in the State.

I would direct your attention to the fact that the Department has submitted this report because of the express

desire of the committee to have it without having first received prior clearance from the Bureau of the Budget. Hence the Department cannot make any commitment at this time concerning the relationship of the views of the Department to the program of the President. However, copies of this report have been submitted to the Bureau of the Budget, and it is hoped we will know within a few days whether or not they believe it is in accord with the program of the President.

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Mr. Berry. Are there any questions?

Mr. Saylor. You have listed in the substitute bill a method to have this as a prototype which will be used for other Indian tribes. You have started here with the State of California, and I would like to have submitted by the Department a recommendation not only with respect to the State of California but in regard to every other one of the western States that have Indians or every State that has Indians, including South Carolina, North Carolina, and Florida. This committee should know what the views of the Department are at the present time not only with regard to the Indians of California but in regard to all of the Indians in all of the States.

Mr. Sellery. I will see that that is done.

Mr. Saylor. Also what Indian country you would recommend, whether all Indian country within the State or whether certain parts of the Indian country can be excepted.

Mr. D'Ewart. The phrase "Indian country" is already defined by law and has a very distinct meaning. It is defined in the recodification statutes adopted a very few years ago, and it is very clear.

Mr. Saylor. I think also the committee should have the benefit of the Department's views. You state there are certain sections of the Code which would not be applicable in the State of California, and I think we should be advised of any

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sections which would not be applicable not only to this law but any other law which might be affected if a similar Act were adopted for all of the Indians.

Mr. Sellery. I wonder if you may have misunderstood me. We are recommending that the State have civil and criminal jurisdiction over all Indians in the State of California and the concurrent jurisdiction of the United States in connection with the ten major crimes and similar criminal acts be ceded to the State so that there will be nothing except State jurisdiction in the State of California. There will be no exception.

Mr. Saylor. Then, I understood, as a second amendment you said you had here in this supplemental bill—was it not the purpose of making sure there would not be concurrent jurisdiction in the State and Federal Government?

Mr. Sellery. That is true.

Mr. Shuford. I think we in North Carolina have only one tribe of Indians—the Cherokees—although we have Indians in the eastern part of North Carolina. Are those under the supervision of the Bureau of Indian Affairs?

Mr. Sellery. Yes, sir; they are. The eastern band of Cherokees is separated from the balance of the North Carolina Indians.

Mr. Shuford. We also have Indians in the eastern part of North Carolina.

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Mr. Sellery. I am advised they are not.

Mr. Shuford. I do not think that tribe has definitely been established by the courts.

Mr. Sellery. In any event, they are not under the jurisdiction of the Bureau of Indian Affairs.

Mr. Rhodes. I would like to request the Department to consider whether or not the State feels that the Indians within the State are ready for this type of jurisdiction and also whether the State itself is ready.

Mr. Sellery. In the case of California—I skipped over that point—the State has indicated its willingness.

Mr. Rhodes. I am thinking of Arizona as to what effect it might have on the law enforcement agencies of the State

of Arizona and also whether the Indians of Arizona have expressed any views.

Mr. Sellery. I think such inquiries are in process with respect to other bills.

Mr. Young. Does your bill limit the provisions for Federal assistance to States in defraying the increased expenses of the courts in connection with the widening of the jurisdiction that the bill encompasses?

Mr. Sellery. No; it does not.

Mr. Young. Do you think it would be necessary to provide for some payment, inasmuch as the great portion of Indian lands are not subject to taxation?

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Mr. Sellery. The Department's report on the Nevada bill has some comments on that. If it is appropriate, I would like to read this in that connection. Generally, the Department's views are that if we started on the processes of Federal financial assistance or subsidization of law enforcement activities among the Indians, it might turn out to be a rather costly program, and it is a problem which the States should deal with and accept with Federal financial assistance; otherwise there will be some tendency, the Department believes, for the Indian to be thought of and perhaps to think of himself because of the financial assistance which comes from the Federal Government as still somewhat a member of a race or group which is set apart from other citizens of the State. And it is desired to give him and the other citizens of the State the feeling of a conviction that he is in the same status and has access to the same services, including the courts, as other citizens of the State who are not Indians.

Mr. Young. That would not quite be true, though; would it? Because for the most part he does not pay any taxes.

Mr. Sellery. No. There is that difference.

Mr. Young. A rather sizable difference in not paying for the courts or paying for the increased expenses for judicial proceedings.



Mr. Sellery. The Indians, of course, do pay other forms of taxes. I do not know how the courts of Nevada are supported

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financially, but the Indians do pay the sales tax and other taxes.

Mr. Young. But no income tax or corporation tax or profits tax. You understand a large portion of the land is held in trust and therefore is not subject to tax.

Mr. Sellery. That is correct.

Mr. Young. So far as my State is concerned, it would be a large burden on existing costs of judicial procedure. I think it is only right that the Federal Government should make some contribution for that. You seem to differentiate. I think there is a differentiation, too, in that they are not paying taxes.

Mr. Sellery. I will concede your point that they are not paying taxes. The Department has recommended, nevertheless, that no financial assistance be afforded to the States.

Mr. Berry. Is there no authority now for the Department to assist counties in this work?

Mr. Sellery. I am advised there is none.

Mr. D'Ewart. That is only partly true. The Tribal Council sometimes appropriates some funds to help pay the peace officer, and the counties sometimes appoint an Indian as deputy sheriff to cooperate with the towns.

Mr. Sellery. I think Congressman Berry was addressing himself to funds advanced by the Federal Government.

Mr. D'Ewart. Have not you ever paid part of the salary

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of a sheriff?

Mr. Sellery. Mr. Bengé, who is chief of our Law and Order Branch, advises me we have not.

Mr. D'Ewart. I was thinking of the Reindeer Reservation where part of that salary was paid. Maybe I am wrong. Maybe they were only using tribal funds.

Mr. Sellery. I think so. That is done in many cases, as you correctly observe.

(The subcommittee thereupon went into executive session.)

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## AFTERNOON SESSION

(The Subcommittee reconvened at 3:00 p.m.)

Mr. Berry. Mr. Sellery, is there anything further you have to add to the testimony of this morning?

STATEMENT OF HARRY SELLERY, CHIEF COUNSEL, BUREAU OF INDIAN AFFAIRS; ACCOMPANIED BY WILLIAM R. BENGE, CHIEF, BRANCH OF LAW AND ORDER.

Mr. Sellery. I think there is nothing further. I went rather rapidly this morning because I understood the Committee had to be over in the House. If there are any questions I would be glad to answer them. I think, although I went rather rapidly, I hit the high spots as to what the bill would do.

Mr. D'Ewart. What objection do you see to the Saylor Bill, H. R. 5565, which would be applicable to all the states? The general provisions are the same, except that it is applicable to all the states instead of just those you want to name. I think I am stating it correctly in that the only difference between the bill you discussed, H. R. 1063, and the other bill is that the reference to a particular state is stricken and it becomes a bill to confer civil and criminal jurisdiction over Indians in all states. It makes it applicable to all states. Otherwise I believe that bill is very much similar.

Mr. Sellery. I think that is essentially in accordance with my understanding, Congressman. I can see just super-

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ficially that there might be a problem in terms of the exceptions from cession of jurisdiction to the state which are provided for in certain of the state bills. There might be a problem in terms of the proposal which one of the Con-

gressman advanced this morning for evidence of consent on the part of the state, if this thing were attacked on a general bill principle.

You will recall that I said in the case of certain of the states we had had indications from the Indians on certain reservations where it was thought by the Department that their law and order operations were adequate and where the Indians themselves had affirmatively indicated an unwillingness to be subjected to state civil or criminal jurisdiction, so that if you went into a general bill it might be that there would be some difficulty in dealing with those exceptions if the Congress accepted any departmental recommendations which might provide for the continuance of a separate jurisdiction on the part of the Indians of a particular reservation or reservations in a state.

Whether you would be able to report the bill out on a general bill if we were unable to obtain a commitment on the part of the state as to whether or not they were willing to have this cession of jurisdiction to them I do not know. I do not wish to be misunderstood as preferring special legislation to general legislation, because I do not, and I do

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not believe that the Department does. Just thinking out loud, those are the thoughts which occur to me, Congressman.

Mr. D'Ewart. I said that the two bills are similar. They are not exactly the same, although the intent is the same.

Mr. Sellery. Yes.

Mr. D'Ewart. I note that the Saylor Bill has a Section 5, which would make possible compensation of the Federal Government for the expense of enforcement.

Mr. Sellery. Yes, sir.

Mr. D'Ewart. I think that is in the Poulson Bill.

Mr. Sellery. Yes, sir. That is also in Congressman Young's Bill for Nevada.

Mr. D'Ewart. Yes.

Mr. Sellery. With respect to a comment I had from

Congressman Berry after the hearings adjourned regarding the problem of whether or not the state or local units would be willing to assume the entire cost of administration of civil and criminal jurisdiction if the bills were passed, without derogation to the Department's position—which, as I indicated in the Nevada Bill, is adverse to the proposal—I did discuss at luncheon with the Acting Commissioner the problem which Congressman Berry had posed, and he suggested that if that proposal were to be accepted by the Committee he believed it would be more appropriate to have the administra-

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tion of any Federal financial assistance in the hands of the Attorney General of the Department of Justice rather than the Department of Interior. That is not to be understood as a recommendation, Congressman; but if the Congress in its wisdom sees fit to provide for such assistance, the Acting Commissioner recommends that it be not to amend the Johnson-O'Malley Act, as someone suggested, but to provide a special authorization in whatever form is required if any such authorization is required to the Attorney General to administer any program of Federal financial assistance to states or political subdivisions.

Mr. Berry. Why could it not be handled under the Johnson-O'Malley Act?

Mr. Sellery. The Johnson-O'Malley Act confers the power on the Secretary of Interior. Mr. Greenwood's belief is that the general administration of law and order being under the Attorney General in the Department of Justice, with the use of the much more extended facilities which the Department has through the FBI, makes that desirable. The Acting Commissioner thought you might get a more reasoned judgment on the amount of financial assistance which the state needed. He was just suggesting this as an alternative. No one would deny, I think, that the Johnson-O'Malley Act could be so amended. He believed that rather than continuing this power in the Secretary in connection with the law and order it would

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be preferable if the Congress wishes to do that to give that



responsibility to the Department of Justice. There is no doubt that the Department could do it. He just thought it would be more efficient if done by the Department of Justice.

Mr. D'Ewart. Which one of these many bills does your agency lean towards?

Mr. Sellery. Well, in terms of the mechanical form of the bill, Congressman, we believe that the draft bill which is attached to H.R. 1063 and the draft bill which is attached to H. R. 4367, the California and Nevada bills respectively, represent a desirable form, particularly with respect to the codification into Titles 18 and 28 of the United States Code. It would be agreed, I think, by all, that the same thing could be done by a bill which was not susceptible to codification in Title 18 and Title 28. We thought that type of approach was preferable to the straight approach which does not indicate what the codification will be of Congressman Young's bill for example, H.R. 4367.

I did not bring the others with me, Congressman, but I think essentially most of them were in accord with the reports which the Department made in the previous Congress. It may be observed that we have gone, shall I say, a step further this time, in that we have provided with respect to civil jurisdiction that that shall be codified under Title 28. That was left hanging in the air in the reports which were sent down

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the last time on the comparable bills in the previous Congress.

I would say that the Department supports this prototype bill which was attached to both the reports on Nevada and California. I have not considered what adjustments would have to be made in the event a general bill to which you referred were to be reported out. I do not think it would require any, except in the short title of the bill, provided the Congress were agreeable to keeping in the provisions for those exceptions which this bill reflects for those states where certain Indian tribes wish not to have a cession of civil and criminal jurisdiction to the state but to maintain their own law and order system.

Mr. D'Ewart. Have you brought up with you a list of

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states to which you recommend that the law be made applicable?

Mr. Sellery. I have a list of the states as to which bills have been introduced, Congressman. Mr. Bengé of our Law and Order Division says that we are recommending tentatively to the Department in the case of California no exceptions from cession of state jurisdiction. The same is true for Nevada. In the case of Washington the tentative recommendation is an exception for the Colville Reservation and the Fort Yakima Reservation. In Oregon there is a recommendation for Warm Springs; in Minnesota for Red Lake; in Wisconsin for Menominee; and in Nebraska, as in the case of California and Nevada, there would be no reservation which the

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Department would recommend be held out as one permitted to administer its own law and order system.

Mr. D'Ewart. Why did you leave out Florida and North Carolina?

Mr. Sellery. I think because no bill was introduced on that, Congressman, as yet.

Mr. D'Ewart. Iowa?

Mr. Sellery. I think we merely took those which were introduced to the Congress, Congressman.

Mr. D'Ewart. I understand the Legislature of Iowa adopted a resolution in the last session asking for it.

Mr. Sellery. We have certain jurisdictional bills already on the books, Congressman.

Mr. D'Ewart. New York State?

Mr. Sellery. New York State, all reservations are under the State jurisdiction. In the case of Iowa the Sac and Fox Reservation is under the criminal jurisdiction, Mr. Bengé advises me, but not under the civil jurisdiction.

In the case of Kansas, all reservations are now under state civil and criminal jurisdiction.

As you know, in the case of California under that special

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bill the Agua Caliente are covered. State, civil and criminal jurisdiction has already been extended to the state, but only with respect to that one reservation.

In the case of North Dakota Devils Lake Reservation has

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criminal jurisdiction which has been ceded to the state.

We have no bills which have been introduced, I think, with respect to the state of Florida.

I am frank to say I do not know what the Department's point of view would be. I just do not know what its point of view would be on that, Congressman.

Mr. D'Ewart. There is nothing in this proposal which would in any way interfere with the ending of wardship in any of those cases?

Mr. Sellery. In the civil and criminal jurisdiction bills?

Mr. D'Ewart. Yes.

Mr. Sellery. No, sir. There is the protection for those Indian treaty rights both on the civil and criminal side.

Mr. D'Ewart. Does this bill protect the tribal estates, too?

Mr. Sellery. We believe it does. In the case of the criminal, for example, on page 2 of the draft bill subsection 2 states:

"Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a

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restriction again alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any Federal treaty, agreement, or statute or with any regulation made pursuant thereto; or shall deprive any Indian or any Indian tribe, band, or community of any right,

privilege, or immunity afforded under Federal treaty, agreement, or statute with respect to hunting, trapping, or fishing or the control, licensing, or regulation thereof."

On the civil side, on page 4 of the draft bill the first two subsections of subsection (b), which are marked off by the semicolons, are the same. The third clause varies slightly to take up, for example, the question of excluding from state jurisdiction the adjudication of Indian trust estates. It says, for example:

"Nothing in this section \*\*\* shall authorize regulation of the use of such property in a manner inconsistent with any Federal treaty, agreement, or statute or with any regulation made pursuant thereto;

and this is the part I want to speak about,

"— or shall confer jurisdiction upon the State to adjudicate, in probate proceedings or otherwise, the ownership or right to possession of such property or any interest therein."

Mr. D'Ewart. Of course that defeats the effort to clean

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up the inheritance muddle under the Indian law.

Mr. Sellery. That would only be true, Congressman, as long as the property were in trust or restricted status. If the Congress chose to lift the trust or restrictions then it would be subjected to state probate just as the unrestricted estates of Indians now are.

Mr. D'Ewart. That is probably as far as we could go.

Mr. Sellery. We thought this reflected what the Congress' thinking was with that limit, as far as we understand the Congress wished to go at this time, with respect to trust or restricted property.

Mr. D'Ewart. Mr. Chairman, I think this is very important legislation. As the Chairman will remember, I appeared before this Committee with a plea for somewhat similar legislation last session. At that time I recited the terrible



situations found on some of the reservations with respect to law and order, which was practically non-existent. In my particular state the Supreme Court has ruled that state law is not applicable in Indian country. When an Indian is committed to the state penitentiary for a felony the court could not bring him out, because there is no jurisdiction. We have to do something like this in order to have some measure of responsibility and so forth on the Indian reservations.

The school truancy laws do not apply on Indian reservations. We appropriate huge sums of money to send Indian

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children to school, and lo and behold the truancy laws do not apply at all.

At least in my state the state health laws are not applicable inside of Indian country. That is not altogether true in other areas because other states have not ruled. Probably they have not ruled because they have not gotten to it. That is what is involved in the definition of "Indian Country".

I therefore think we should report out this bill.

Mr. Aspinall. The draft?

Mr. D'Ewart. The final draft.

Mr. Aspinall. Making it general?

Mr. D'Ewart. Yes.

Mr. Aspinall. The only question I have is whether or not the legislation should be general or whether there are sufficient differences within certain jurisdictions to call for the treatment of each state by a different bill.

Mr. Sellery. May I comment, sir?

Mr. Aspinall. Yes.

Mr. Sellery. We would recommend that this same type of a bill—we think of this one as a prototype—be adopted. Then at any time if at a later date the Indians in a particular state who want to be "hold outs" as I nickname them

from the cession of jurisdiction, can indicate their desire to be no longer "hold outs" it would be merely a question of

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amending the references to them in the sections of the bill which show where the exceptions will be. You delete that exception and then in subsequent issues of the Code it will appear they are now under the state civil and criminal jurisdiction.

Mr. D'Ewart. What I would like to do is to amend your draft to make it general.

Mr. Abbott (Counsel to Committee). Mr. Bengé informs me there are 26 states shown there as having Indian populations. You can correct it for the record, Mr. Bengé, but I believe several of those states have constitutional prohibitions against jurisdiction.

Mr. Bengé. Yes, sir; that is right.

Mr. Abbott. Which would mean that there would be apparently no jurisdiction.

Mr. Bengé. It would require amendment to a state constitution in most cases, on the ones that Mr. Abbott is speaking of. The Organic Act which admitted the state to the union and the state constitution would have to be amended. The state constitution in consequence of the Organic Act denied jurisdiction over crimes committed by Indians on their reservations. To meet that the State Legislature would have to amend the constitution.

I take it that a general bill like this would be regarded as authority by the Congress for them to amend their constitu-

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tions. It would be regarded as an amendment to the Organic Act.

Mr. Aspinall. The State Legislature would not do it. The people of the state themselves would have to do it.

Mr. Bengé. Yes, sir.

Mr. Shuford. What is the situation with regard to North Carolina?

Mr. Bengé. I believe that the situation in North Carolina is that there is a federal court decision holding that the Indian reservation there, the Eastern Cherokee Reservation, is under the state law and order jurisdiction.

Mr. Shuford. I was under the impression they did have such an arrangement.

Mr. Bengé. I think in 1933 there was a decision by the Circuit Court of Appeals for that circuit which held the reservation to be under the state jurisdiction. I know at the present time the sheriff does some work on the reservation. The tribe hires some officers, and they take all their cases into the JP Court in Bryson City.

Mr. Shuford. They also have a federal court where they try Indian cases.

Mr. Bengé. Yes, sir; they have some Indian cases in the federal courts there.

Mr. Shuford. Could you give me the citation on that?

Mr. Bengé. I do not have it with me, Congressman, but I

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can get it for you.

Mr. Shuford. Will you get it for me.

Mr. Bengé. Yes, I will.

Mr. D'Ewart. Mr. Chairman, I move that H. R. 1063 be amended by striking out all after the enacting clause and inserting in lieu thereof the provisions of the Department draft; and that the staff work out with the Indian Bureau the names of the states and Indian countries affected, that shall be included in each section of the bill; and that they make that ready for a report to the full Committee.

Mr. Aspinall. I wonder if they have the idea.

Mr. Sellery. A general bill, Congressman; is that correct?

Mr. D'Ewart. What is that?

Mr. Sellery. You are proposing a general bill?

Mr. D'Ewart. No, I am proposing that all after the enacting clause in the Poulson Bill be stricken and that your

Department bill be inserted in lieu thereof; and that on page 2 and again on page 4 you advise the Committee staff as to the states and the Indian country that should be inserted.

Mr. Aspinall. That is a general bill.

Mr. D'Ewart. Yes.

Mr. Berry. No, it is not; because some states will not be included.

Mr. Aspinall. I understand it is not universally general, but it covers a number of states.

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Mr. D'Ewart. You understand?

Mr. Sellery. Yes, sir.

Mr. Shuford. Mr. Chairman, I would like to be sure about North Carolina, because I think North Carolina might be brought in on that.

Mr. Bengé. There does seem to be some question, Congressman, as to whether or not the codification of Title 18 in 1948 reconstituted the reservation as "Indian country" so as to deny state jurisdiction.

Mr. Shuford. I know they do maintain a deputy sheriff on the reservation.

Mr. Bengé. Yes, sir.

Mr. Shuford. Whether that is by comity I do not know.

Mr. Bengé. It is not clear legally whether the court decision to which I referred is now the law, or whether it is now "Indian country" under Title 18.

Mr. Shuford. Will you advise me about that?

Mr. Bengé. Yes, I will.

Mr. D'Ewart. I move the adoption of the motion.

Mr. Berry. Is there a second?

Mr. Aspinall. I second the motion.

Mr. Berry. All in favor of the motion say "Aye".



(Thereupon, the motion was agreed to.)

Mr. D'Ewart. Now, Mr. Chairman, I move that the title of the bill be amended to conform with the remarks.

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Mr. Berry. Was your previous motion to report the bill to the full Committee?

Mr. D'Ewart. No, I had not moved that. I move that the title be amended.

Mr. Aspinall. I second the motion.

Mr. Berry. All in favor of the motion say "Aye".

(Thereupon, the motion was agreed to.)

Mr. D'Ewart. Now, Mr. Chairman, I move that H.R. 1063 as amended be reported favorably to the full Committee.

Mr. Aspinall. May I ask a question? Do you intend to have a committee print made?

Mr. D'Ewart. I believe we should.

Mr. Aspinall. I second the motion.

Mr. Berry. All in favor of the motion say "Aye".

(Thereupon, the motion was agreed to.)

(Thereupon, the Subcommittee proceeded to other business.)

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NOTE: Mr. Berry designated two days as the time for filing of any statements by interested persons.

**HEARING ON H.R. 1063**  
BEFORE THE  
**COMMITTEE ON**  
**INTERIOR AND INSULAR AFFAIRS**  
**HOUSE OF REPRESENTATIVES**  
EIGHTY-THIRD CONGRESS  
FIRST SESSION  
July 15, 1953

[Pagination of the typed transcript is shown in the text at the right margin.]

## H. R. 1063

TO AMEND TITLE 18,  
UNITED STATES CODE, ENTITLED  
"CRIMES AND CRIMINAL PROCEDURE"

WEDNESDAY, JULY 15, 1953

House of Representatives

Committee on Interior and  
Insular Affairs

Washington, D. C.

The Committee met, at 10:00 a.m., in the Committee Room of the House Committee on Interior and Insular Affairs, the Honorable Wesley A. D'Ewart (acting chairman) presiding.

Mr. D'Ewart. We now have before us House Resolution 1063, a bill introduced by our former colleague, Mr. Poulson, to amend title 18, United States Code, entitled "Crimes and Criminal Procedure", with respect to State jurisdiction over offenses committed by or against Indians in the Indian country, and to confer on the State of California civil jurisdiction over Indians in the State.

(The Bill is as follows:)

Mr. Abbott. (Counsel) I believe the committee members have before them a memorandum on House Resolutions 1063 dated June 26, 1953 addressed to Chairman Berry of the subcommittee on Indian Affairs. The last five pages of the allied papers you have, the bill that the committee presumed they were acting on at the last full committee session on July 7. However, it was apparent in reading the transcript that amendments were made to the presented bill previously before the committee and it is suggested, if that is proper procedure, that unanimous consent of the other committee members be obtained to correct the amendments made to indicate clearly the committee intent.

As amended by the committee and as indicated by the amendments proposed, House Resolution 1063 would confer exclusive civil and criminal jurisdiction over Indians in the States of California, Minnesota, Nebraska, Oregon, and Wisconsin, and within those states.

In the state of Minnesota the Redleg Band of Chippewa Indians would be excluded and remain under Federal jurisdiction. In Oregon, the Warm Springs Tribe would remain under Federal Jurisdiction and in Wisconsin the Menominee Tribe would remain under Federal jurisdiction. The bill does not as acted upon by the committee make provision for eight states which have constitutional organic impediments for accepting state jurisdiction. The enabling acts for

Arizona, Montana, New Mexico, North Dakota, South Dakota, Oklahoma, Utah, and Washington provided that exclusive Federal jurisdiction would be retained.

The Indian Bureau in listing states pointed out that those eight states now have organic law impediments in their constitutions or other laws which would not enable them to take on state jurisdiction. The five states which were recommended to have exclusive jurisdiction conferred on them in each instance were consulted with regard to their desires in accepting or not having state jurisdiction. One other state, the state of Nevada, has no such legal impediment, but they were not able to agree. The Indian Bureau was not able to agree with state and local authorities as to whether or not Nevada was in a position to accept responsibility for exclusive jurisdiction.

I have handed to Mr. Young a proposed amendment which would provide for the granting of consent to states having organic law impediments. At such time as they remove those impediments by the people in the state, they could then take over the exclusive civil and criminal jurisdiction over Indians and Indian matters.

In addition, Mr. Westland's state, which is one state which has a constitutional impediment, the one section provides for removal by the state of constitutional impedi-



ments. The other section would apply to any other of the 15 Indian

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states, so that they by affirmative legislative action could assume either criminal or civil jurisdiction, or both, at such time as the matter were laid before the legislative bodies.

In short the legislation as acted upon by the committee would apply to only five states. The two additional section amendments would apply first to the eight states having constitutional or organic law impediments and would grant consent of the United States for them to remove such impediments and thus acquire jurisdiction.

The other amendment would apply to any other Indian states, some 15 or 18, who would acquire jurisdiction at such time as the legislative body affirmatively indicated their desire to so assume jurisdiction.

Mr. Engle, as you will recall, added an amendment having to do with the application of Indian liquor laws and that presumably would be operative only in the five named states, California, Minnesota, Nebraska, Oregon, and Wisconsin. The proposed substitute you have before you now carries the United States Code No. 1161. The committee will recall that we reported H.R. 1055 to the House, which is a general liquor repealer bill, and in it we added a new section to the United States Code, 1161, so that the proposed substitute you have before you in addition to the amendments mentioned would require that that U. S. Code

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number for the new section be changed from 1161 in each instance to 1162.

(Discussion off the record.)

Mr. D'Ewart. It is regularly moved and seconded that we consider our action on July 7 with respect to House Resolution 1063. All those in favor say aye.

Opposed, no.

You now have before you for further consideration House Resolution 1063 and the substitute offered by the department.

(The substitute bill referred to is as follows:)

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Mr. Westland. Mr. Chairman, is the bill ready for amendment?

Mr. D'Ewart. The bill will be considered read and open for amendment.

Mr. Westland. With respect to the amendment that Mr. Abbott handed to me, with particular reference to the states, I presume, Mr. Abbott, you intend to strike the present section 6 of the bill and renumber it?

Mr. Abbott. (Counsel) As the bill is laid before the committee, the substitute bill, the last section is section 5.

Mr. Westland. I do not have that substitute bill.

Mr. Abbott. (Counsel) You have a memorandum of June 26, 1953 and the last five pages on that collection refer to a bill beginning, "To confer jurisdiction on the State of California;" and so on. That is the substitute before the full committee.

Mr. Westland. This amendment would insert two new sections. First is section 6, which says: "The consent of the United States is hereby given to the people of any state to amend where necessary their state constitutions or existing statutes, as the case may be, to remove any legal impediment to the assumption of civil and criminal jurisdiction in accordance with the provisions of this Act, provided that the provisions of this Act shall not become

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effective with respect to such assumption of jurisdiction by any such state until the people thereof have appropriately amended their state constitution or statutes, as the case may be."

Mr. D'Ewart. I do not think we have to grant permission to a state to amend its own statutes.

Mr. Abbott. (Counsel) Mr. D'Ewart, I believe the reason for this is that in some instances it is spelled out both in the constitution and the statutory provisions as a result of the Act and it may be unnecessary, but by some state courts it may be interpreted as being necessary.

Mr. Berry. Would you yield to me.

Mr. D'Ewart. Yes.

Mr. Berry. Does not this make this bill applicable to all states who do amend their laws under the constitution, and it greatly increases the authority of the bill.

Mr. Abbott. (Counsel) The intention was to grant it to all states as such time as they were willing to take it. The five states we have named have been consulted with by the Indian Bureau. At any other time in the future that the state of Washington or South Dakota is able to remove their constitutional impediments, then they could so do it. The other states not included, such as Mr. Young's state, Nevada, have indicated unwillingness and they have good reasons, I believe. The Indian Bureau agrees, to accept

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such jurisdiction at this time. They by a subsequent amendment will be enabled to affirmatively assume jurisdiction by legislative action.

Mr. Westland. I believe the state of Washington was consulted on this matter and they indicated their readiness to take over on this jurisdiction as far as criminal and civil was concerned, but they do have a constitution there that requires this amendment in order that they can get at it.

Mr. Berry. I am for the amendment. I just wanted to understand it.

Mr. Westland. The next section is section 7. It says that "The consent of the United States is hereby given to any other state not having jurisdiction with respect to criminal offenses or civil causes of action, or with respect to both, as provided for in this Act, to assume jurisdiction at such time and in such manner as the people of the state shall by affirmative legislative action obligate and bind the state to the assumption thereof."

Mr. Berry. Mr. Chairman, I would like to ask a question. Would it not be better to word that to say that this "shall be applicable," instead of saying "consent is hereby granted." Why not say "The provisions of the law shall be applicable" to these states wherein they do these things.

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Mr. Westland. I believe the law would then be applicable to them, once they had taken this affirmative action.

Mr. Rhodes. Will the gentleman yield. You cannot very well allow enabling legislation to be amended merely by giving consent. There has to be specific legislation.

Mr. Dawson. That brings up another question: Whether your wording should refer to the Enabling Act. You say "We hereby give our consent for them to amend their state constitution." Their state constitution was based upon the Enabling Act. In other words, they followed that. I wonder whether we should have something in there to say "Notwithstanding any restrictions in the Enabling Act, consent is hereby given to amend their state constitution."

Mr. Abbott. (Counsel) I believe that clause "notwithstanding any provisions of the Enabling Act" for such states might well be included. It would make clear that Congress was repealing the Enabling Act.

Mr. Dawson. To give permission to amend their constitution.

Mr. Abbott. (Counsel) I think that would help clarify the intent of the committee at the present time and of Congress if they favorably acted on the legislation.

Mr. Berry. Mr. Chairman, then we get right back to your objection.

Congress does not have to give consent to a state to

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amend its constitution or its laws.

Mr. Dawson. Because when the Enabling Act was passed, they said this state can become a state upon certain



conditions, except for the Enabling Act. In other words, we restrict what they can put in their laws and constitution to begin with. The state cannot go any further than their Government lets them go when they become a state, so now we are lifting one of those restrictions.

With respect to the state of Utah, for instance, the Federal Government said, the state of Utah shall not pass any laws giving them jurisdiction over Indians, or to try Indians for offenses. That was part of the Enabling Act on which our constitution was based. Therefore, we have no right to change our constitution or even our statutes without consent of the Government.

It is in the Enabling Act in all of these five states. That is the reason for my suggestion that you might well refer to the Enabling Act and say, "Notwithstanding any provisions of the Enabling Act consent is hereby given to amend the constitution."

Mr. Abbott. (Counsel) It is in the constitution as a direct result of being in the Enabling Act. In the Government Enabling Act, the Federal Government retained the jurisdiction and the states in their constitutions had a prohibition against any legislation which would assume jurisdiction.

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Mr. Westland. Then that first phrase of section 6 would read "Notwithstanding anything in the Enabling Act, the consent of the United States is hereby given to the People of any states to amend." Is that correct?

Mr. D'Ewart. I think it should be "Notwithstanding the provisions of the Enabling Act."

Mr. Rhodes. I should refer to "Any Enabling Act" under which a state was admitted to the Union instead of "The Enabling Act." I mean there are various enabling acts.

(Discussion off the record.)

Mr. D'Ewart. Would you read the amendment now as you have it.

Mr. Westland. Section 6 then will read "Notwithstanding

the provisions of any Enabling Act for the administration of a state to the Union, the consent of the United States is hereby given to the people of any state to amend where necessary their state constitution or existing statutes as the case may be, to remove any legal impediment to the assumption of civil and criminal jurisdiction in accordance with the provisions of this Act, provided that the provisions of the Act shall not become effective with respect to such assumption of jurisdiction by any such state until the people thereof have appropriately amended their state constitutions or statutes, as the case may be."

Mr. D'Ewart. Is the proviso necessary?

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Mr. Young. I think so.

Mr. Dawson. I move the adoption of the amendment, Mr. Chairman.

Mr. D'Ewart. It has been regularly moved that House Resolution 1063 be amended by adopting a new section, section 6, as read. All those in favor say aye.

Opposed, no. It is so ordered.

Mr. Westland. Then section 7 will read. "The consent of the United States is hereby given to any other state not having jurisdiction with respect to criminal offenses or civil causes of action, or with respect to both, is provided for in this Act to assume jurisdiction at such time and in such manner as the people of the state shall by affirmative legislative action obligate and bind the state to the assumption thereof."

Mr. Chairman, I move the adoption.

Mr. D'Ewart. Question.

My state's Supreme Court has ruled, because of the definition of "Indian country," which is described as anything within the interior of an Indian Reservation, the state has no jurisdiction within the country and they have therefore been turned loose in the Federal penitentiaries for certain felonies. This does not apply to that kind of circumstance?

Mr. Dawson. It certainly would not unless the state of Montana passed the legislation.

Mr. D'Ewart. However, the bill without this provision would be applicable to Montana?

Mr. Abbott. (Counsel) No.

Mr. D'Ewart. The state legislature has the right. That was the decision of Supreme Court of our state. We are putting these amendments in to take away the Federal restrictions.

Mr. Hosmer. Will the gentleman yield?

I think in this case Mr. D'Ewart brought up, purely on the face of the decision, you could not tell, without seeing what the provision was, whether it was a rule that was because of inability within the state itself because the lands were actually outside the state, although surrounded by it, or whether it was because of prevailing provisions of Federal, which are being eliminated by this act here.

Mr. Dawson. One thing you can be assured of, the state would not be harmed by this provision, because you are simply giving them the right to pass legislation if they see fit to do so.

Mr. Pillion. It would not increase their jurisdiction automatically.

Mr. Dawson. No, anymore than it will Nevada's. If Nevada does not want to take this on and does not feel they should be obligated to take this expense, they certainly do not need to pass any legislation to take it on.

Mr. D'Ewart. It has been regularly moved and seconded that there be substituted for House Resolution 1063 by adding section 7 as read. All those in favor say aye. Opposed, no. It is so ordered.

Under the action previously taken, all amendments formerly adopted to this substitute bill were deleted.

Mr. Aspinall. Mr. Chairman, with that understanding, I have been advised that Congressman Engle offered an amendment to the bill relative to the application of Indian

liquor laws and offered it as section eight and it was adopted. I would ask unanimous consent at this time that that amendment which was approved by this committee formerly be inserted as section five and the present section five, which is a repealer, become section eight of the bill.

Mr. Dawson. I second the motion.

Mr. Young. Mr. Chairman, off the record.

(Discussion off the record.)

Mr. Young. I move we defer action on this until Mr. Engle can be consulted and bring it up again at the next meeting on Tuesday.

Mr. Westland. I do not agree with that. It seems to me, first of all, you have done a lot of work on this particular bill and gotten it in pretty good shape with the possible exception of this liquor amendment in there. First of all, as Mr. Abbott said, you have House Resolution

1055 probably coming up first on the floor and we can tell pretty well by the way that is received as to how this bill might be received. If that bill is accepted then there is no need for the liquor amendment in this. If it is defeated this bill could come as it is and, as somebody mentioned here previously, that particular portion could be stricken on the floor and let the rest of the legislation go through. I think the bill ought to go out as is. It represents quite a bit of work by quite a few people.

Mr. Aspinall. You mean the bill should go out without colleague Engle's endorsement?

Mr. Westland. No; certainly get his agreement to what we have done here this morning.

Mr. Dawson. Off the record.

(Discussion off the record.)

Mr. Young. Mr. Chairman, I withdraw my objection and withdraw my motion to defer consideration on it.

Mr. Aspinall. I ask unanimous consent then that we report it. Will the clerk read my unanimous request?



Mrs. Arnold. (the Clerk) You asked unanimous consent that the Engle Amendment become section five and that section five, which is a repealer clause, become section eight.

Mr. Aspinall. That is right, and that the section be numbered 1163.

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Mr. D'Ewart. Do I hear any objection?

Mr. Dawson. I think I seconded it, and then the objection was raised. Now the objection has been withdrawn.

Mr. D'Ewart. I would like the record to be clear. I am willing to adopt the amendment but I want the record to show I am not for the liquor clause.

Mr. Aspinall. Mr. Chairman, I offer at this time the amendment of Mr. Engle, which was agreed to.

Mr. D'Ewart. Let me get this clear. I am willing to accept your offer of this amendment, but I want the record to show that I opposed it.

Mr. Aspinall. I understand. It was agreed to heretofore to include section eight on this bill and I make that motion.

Mr. Berry. The Engle amendment will be section eight?

Mrs. Arnold. (the Clerk) It will now be section five.

Mr. D'Ewart. Your motion is to make the Engle amendment section five of this bill as adopted in amendment.

All those in favor say aye. Opposed, no. All those in favor hold up their hands. Eight.

Opposed. One.

It is so ordered.

In order to perfect the bill filed we have to perfect it by including in the language California, Minnesota, Nebraska, Nevada, Oregon, Washington, and Wisconsin in the appropriate places.

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Is there any objection?

Mr. Young. Mr. Chairman, did you say Nevada. I object to Nevada, because only 15 percent of our state is owned by the state and 85 percent is owned by the Federal Government.

Mr. D'Ewart. All right, California, Minnesota, Nebraska, Oregon, and Wisconsin. Washington is also excluded.

Is there objection to correction of the bill to read, California, Minnesota, Nebraska, Oregon, and Wisconsin? The Chair hears none and it is so ordered.

Is there objection to amending the title to conform with the contents of the amendment?

The Chair, hearing none, the title is so amended.

I believe there is now need for further amendment by inserting the Minnesota Redleg Band of Chippewa Indians, the Oregon Warm Springs Tribe, and the Wisconsin Menominee Tribe. Is there any objection to the insertion of that?

If not, it is so ordered. Title is amended accordingly.

Mr. Young. Mr. Chairman, I move the bill be approved and the Chairman directed to take such steps as necessary to enact it and that if H.R. 1055 is disapproved, the Chairman be directed to ask unanimous consent to take out section eight which was Congressman Engle's amendment before being considered in the House.

Mr. Dawson. A question there. As I understand it,

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H.R. 1055 is on the consent calendar. That means if anybody over there objects, it goes off or it goes over until the next time. Three objections and it goes off completely. Do you interpret that to mean that it is a defeat for the amendment if it gets one objection over there. Is that what you mean, one objection on the floor means that this automatically goes out of our bill?

Mr. D'Ewart. No; it means that the committee amendment can be offered to be stricken from the bill.

Mr. Young. That is what I mean because that is the only reason I withdrew my objection to it originally.

Mr. Dawson. That is to be interpreted then as a defeat.

Mr. D'Ewart. It has been regularly moved and seconded that the substitute bill for H.R. 1063 as amended be reported to the House and that the Chairman take such steps as necessary to insure its enactment, with inclusion of committee amendment in the event there is objection to the consideration of H.R. 1055. All those in favor of the motion say aye. Opposed, no. It is so ordered.

The committee stands adjourned.

(Whereupon, at 12:00 noon, Wednesday, July 15, 1953, the committee recessed subject to call.)